

FAST TRACK

Friday
January 27, 1984

Selected Subjects

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- Air Pollution Control**
Environmental Protection Agency
- Animal Diseases**
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- Human Drugs**
Food and Drug Administration
- Income Taxes**
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- Marine Safety**
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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Federal Highway Administration

Natural Gas

Federal Energy Regulatory Commission

Organization and Functions (Government Agencies)

Animal and Plant Health Inspection Service

Quarantine

Animal and Plant Health Inspection Service

Reporting and Recordkeeping Requirements

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Title 3—

Proclamation 5148 of January 25, 1984

The President

Centennial of the Birth of Harry S Truman

By the President of the United States of America

A Proclamation

May 8, 1984, marks the one hundredth anniversary of the birth of Harry S Truman, the thirty-third President of the United States and one of this Nation's most respected statesmen.

First elected to the United States Senate from Missouri in 1934, Mr. Truman gained national recognition during World War II, when his investigating committee saved the taxpayers large amounts of money by exposing waste and extravagance in the procurement process. In November 1944, the voters elected Mr. Truman Vice President. He served only 83 days in that office and succeeded to the Presidency in April 1945, upon the death of President Roosevelt.

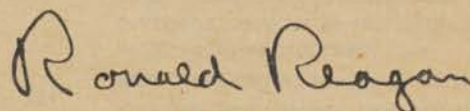
In his first months in office, President Truman guided the country through the end of World War II and made the difficult decisions that ushered in the nuclear age. In the postwar years, he oversaw America's transition from a wartime to a peacetime economy and began an era of growth and stability. In foreign affairs, President Truman established the cornerstones of the policy of containment in dealing with the communist threat to Europe. Through the Truman Doctrine and the Marshall Plan he stalwartly assisted free peoples in their efforts to stem the tide of totalitarian subversion. In applying the principles of collective security, President Truman assisted in the formation of the North Atlantic Treaty Organization to help European nations respond to this threat.

In 1948, Mr. Truman was elected to the Presidency, battling from behind to overtake Governor Thomas Dewey. President Truman responded to the invasion of South Korea by utilizing United Nations as well as American forces in dealing with that crisis.

Although confronted with a series of major challenges throughout his tenure, President Truman responded with courage, humanity, decisiveness, and a wit which have secured his place in the Nation's history as one of our most respected Presidents.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 8, 1984 to be the "Centennial of the Birth of Harry S Truman." I call upon the people of the United States to observe that day with appropriate ceremonies and activities in remembrance of his many accomplishments and dedication to freedom and democracy.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of January, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.



Presidential Documents

Continental of the 20th of May 1792

By the President of the United States

A Proclamation

That whereas the President of the United States has received from the Senate and House of Representatives of the United States in Congress assembled a resolution passed on the 17th day of May 1792

Resolved That the President of the United States be and he doth hereby certify to the Senate and House of Representatives of the United States in Congress assembled the following

That the President of the United States has received from the Senate and House of Representatives of the United States in Congress assembled a resolution passed on the 17th day of May 1792

Resolved That the President of the United States be and he doth hereby certify to the Senate and House of Representatives of the United States in Congress assembled the following

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That the President of the United States has received from the Senate and House of Representatives of the United States in Congress assembled a resolution passed on the 17th day of May 1792

John Adams

Rules and Regulations

Federal Register

Vol. 49, No. 19

Friday, January 27, 1984

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 371

Organization, Functions, and Delegations of Authority; Deputy Administrator, Veterinary Services

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the statement of organization, functions and delegations of authority of the Animal and Plant Health Inspection Service (APHIS) by delegating to the Deputy Administrator, Veterinary Services, the authority to conduct such diagnostic and related activities at the Plum Island Animal Disease Center (PIADC) as may be proper to prevent, detect, control or eradicate any contagious, infectious or communicable disease of animals or live poultry not known to exist in the United States.

EFFECTIVE DATES: January 27, 1984.

FOR FURTHER INFORMATION CONTACT:

John C. Frey, Classification, Employment, and Executive Resources Programs, Human Resources Division, Animal and Plant Health Inspection Service, 6505 Belcrest Road, Hyattsville, MD 20782 (301-436-6466).

SUPPLEMENTARY INFORMATION: The facilities of the PIADC are designed for work with exotic animal diseases. Responsibility for diagnoses of foreign animal diseases as well as research on such diseases, was assigned to the Agricultural Research Service (ARS) when the facility at Plum Island first began operations. However, the primary mission of ARS, which is research, has been compromised at times due to demands of the needs for diagnostic

services and related responsibilities. Accordingly, the Secretary of Agriculture determined that transfer of diagnostic services and related activities at PIADC to APHIS would alleviate some administrative problems and provide working assignments more appropriate to the missions of the two agencies. Thus, the Secretary delegated the responsibility for diagnostic and related activities at PIADC to the Assistant Secretary for Marketing and Inspection Services, who in turn has delegated such authority to the Administrator, APHIS (49 FR 1047). The purpose of this document is to amend the statement of organization, functions, and delegations of authority of the Animal and Plant Health Inspection Service to specifically delegate the responsibility for diagnostic and related activities at PIADC to the Deputy Administrator, Veterinary Services. The functions so delegated include diagnosis of foreign animal diseases, preparation of diagnostic reagents, diagnostic methods evaluation or adaptation, training of foreign animal disease diagnosticians, vaccine production and storage, and epizootiology and/or epidemiology testing.

This rule relates to internal agency management, and therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the *Federal Register*. Further, since this rule relates to internal agency management, it is exempt from the provisions of executive Order 12291. Finally, this action is not a rule as defined by Public Law 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 371

Organization and functions
(Government agencies).

PART 371—ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

Accordingly, 7 CFR Part 371 is amended as follows:

1. The authority citation for Part 371 reads as follows:

Authority: 5 U.S.C. 301.

2. Section 371.2 is amended by adding a new paragraph (d)(2) (xx) to read as follows:

§ 371.2 The Office of the Administrator.

* * * * *

(d) * * *

(2) * * *

(xx) Conducting diagnostic and related activities necessary to prevent, detect, control or eradicate foot-and-mouth disease and other foreign animal diseases (21 U.S.C. 113a).

* * * * *

Issued at Washington, D.C., this 20th day of January 1984.

Bert W. Hawkins,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 84-2308 Filed 1-26-84; 8:45 am]

BILLING CODE 3410-34-M

Federal Grain Inspection Service

7 CFR Part 810

Revision of the United States Standards for Mixed Grain

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) is revising the U.S. Standards for Mixed Grain in order to enhance their clarity and uniformity, to promote a better understanding of the standards, and to facilitate the marketing of mixed grain. Changes include an updated format; a clarified definition of mixed grain; elimination of the mixed feed oats sections and the special grade *Tough*; a tighter limit for the special grade *Ergoty*; a simpler basis for determining the percentage of each type of grain in the mixture and damaged kernels; a revision of section 7 CFR 810.910 to apply only to the corn, rye, soybeans, and flaxseed standards; establishment of rounding procedures for determining percentages; and other general nonsubstantive changes to update the standards to accommodate current marketing practices. The revisions made to the standards are the same as those proposed.

EFFECTIVE DATE: January 28, 1985.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Information Resources Management Branch, USDA.

FGIS, Room 0667, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512-1. The action has been classified as nonmajor because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities because most users of mixed grain inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Final Action

The review of the standards included a determination of the continued need for the standards; a review of changes in marketing factors and functions affecting the standards; and a review of the changes in technology and economic conditions in the area affected by the standards and their application through the incorporation of grading factors or tests which better indicate grain quality. The objective was to assure that the standards continued to serve the needs of the market to the greatest possible extent.

A notice requesting public comment on the U.S. Standards for Corn, Soybeans, and Mixed Grain was published in the May 8, 1980 *Federal Register* (45 FR 30446). Of the thirteen comments received, one commenter, while making no specific recommendations, suggested that clarification of the definition for mixed grain should enhance the uniform application of the standards.

A proposal to revise the standards for mixed grain was published in the April 5, 1983 *Federal Register* (48 FR 14601), and comments were solicited during a 60-day comment period. All of the comments received expressed support for the proposed changes.

A review of all related information and the Agency's review and subsequent research of sieving procedures indicate that the revisions in the standards proposed in the April 5, 1983 *Federal Register* would increase the clarity and effectiveness of the standards, reflect current marketing practices, and establish a desirable degree of uniformity with other grain

standards. Therefore, the United States Standards for Mixed Grain are revised as discussed below. The revisions are the same as proposed. It should be noted that pursuant to section 4(b) of the Act no standards established as amendments or revocations of standards under the Act are to become effective less than one calendar year after promulgation, unless in the judgement of the Administrator the public health, interest, or safety requires that they become effective sooner. The following amendments to the standards become effective one calendar year after publication in the *Federal Register*.

1. To enhance clarity and uniformity between and among various grade standards, the format of the U.S. Standards for Mixed Grain is revised by dividing the standards into sections such as currently exist in the U.S. Standards for Wheat. Specifically, in addition to the changes discussed below, the current § 810.451, *Terms defined* is divided into § 810.451, *Definition of Mixed Grain*, and a new § 810.452, *Definition of other terms*; the current § 810.542, *Principles governing application of standards* is divided into a new § 810.453, *Basis of determination*, a new § 810.454, *Temporary modification in equipment and procedures*, and a new § 810.455, *Percentages*; and the current § 810.453, *Grades, grade requirements, and grade designations* is divided into new sections, § 810.456, *Grades and grade requirements*, § 810.457, *Grade designation*, § 810.458, *Special grades and special grade requirements*, and § 810.459, *Special grade designations*. Incidental to this reformatting, the definitions for moisture and for test weight per bushel are moved from the current § 810.452 to the new § 810.452, *Definition of other terms*.

2. Because mixed feed oats are not marketed on the basis of official grades, and because inspections have decreased drastically in recent years, the mixed feed oats portions of the standards is deleted. In the standards for mixed grain, wild oats and mixtures of wild oats with cultivated oats are only applicable to the definition and grading of mixed feed oats; therefore all references to and definitions of these grains would also be deleted, including the references to wild oats in the basic definition of mixed grain. Appropriate changes as a result of the deletion of the two mixed feed oats grades are made to all affected sections in the standards for mixed grain.

3. The special grade *Tough* is not descriptive of grain quality, and the placement of moisture content on certificates (7 CFR 800.162(a)), which is

currently used to determine this condition, makes this special grade designation unnecessary. Accordingly, the special grade *Tough* is deleted. (Similar changes are planned for the standards for barley, oats, and rye, which are the only grain standards that still retain this special grade.)

4. The limit for the special grade *Ergot* is tightened to 0.10 percent from 0.30 percent. Feeding trials conducted by the North Dakota Agricultural Experiment Station concluded that livestock regularly consuming feed containing as little as 0.06 percent of ergot exhibit significant signs of toxicity, and all standards using the special grade *Ergot*, except wheat and rye, have been previously tightened to 0.10 percent for that reason.

5. In addition to deleting references to wild oats in the definition of mixed grain, the definition is further amended to incorporate a minimum requirement of 50 percent of whole kernels of grain for which standards have been established, and/or whole and broken soybeans which will not pass through a $\frac{3}{4}$ inch triangular-hole sieve, and/or whole flaxseed passing through the sieve. The definitions of other standardized grains are based on a minimum percentage of whole kernels of grain for those grains which commonly have broken kernels, and a minimum of whole and broken kernels for those grains in which broken kernels are not common. Therefore, a minimum percentage of kernels is generally used to define each grain, except in the case of soybeans which are defined on the basis of a minimum percentage of whole and broken kernels remaining on top of a $\frac{3}{4}$ inch round-hole sieve which gives similar results to the $\frac{3}{4}$ inch triangular-hole sieve which will be used for the mixed grain standards. Thus, the mixed grain standards would be consistent with other grain standards.

6. Another revision changes the basis for determining the percentage of each type of grain present in a mixture and the amount of damaged kernels, to the basis of the grain after sieving. Sieving tests conducted by FGIS showed that the use of a $\frac{3}{4}$ inch triangular-hole sieve to separate fine material significantly shortened the time required for the hand-picking process, thus facilitating the manual separation of whole and broken kernels of each kind of grain and damaged kernels. Because the bulk of the fine material passing through the sieve (fines) is of indeterminate value and origin, this material is categorized with foreign material to create a new grading factor, *foreign material and fines*.

7. The current definitions in the mixed grain standards for moisture and test weight per bushel contain obsolete or no longer used references. The definitions are updated and clarified.

8. The equipment and procedures referred to in the mixed grain standards are applicable to grain produced and harvested under normal environmental conditions. To conform to other standards, provision is made to provide that, when adverse growing or harvesting conditions make the use of routine procedures impractical, minor temporary modifications in the equipment or procedures may be made to obtain results expected under normal conditions. Accordingly, the addition of a new section 810.454 on temporary modifications in equipment and procedures is included. However, adjustments in interpretations (i.e., identity, quality, and condition) shall not be made.

9. In the interest of promoting clarity and uniformity throughout the grain standards, a new section 810.455, *Percentages* is added to reflect rounding and recording procedures (whole or tenths of a percent) for all percentage determinations made under the mixed grain standards. The present standards states that percentages of each kind of grain shall be stated in terms of whole percents.

10. The specific limit of two crotalaria seeds in a 1000 gram sample is included in the new section 810.456(b) to more clearly define the U.S. Sample grade Mixed Grain. This limit is currently imposed by section 810.901 which renders grain exceeding this limit as distinctly low quality. 7 CFR 810.901, through still applicable to other grains, would no longer be applicable to mixed grain.

11. Because the special grades *Smutty* and *Garlicky* are applicable to samples of triticale under the U.S. Standards for Triticale, provision is made for the application, when appropriate, of these special grades in mixtures in which triticale predominates. Special grades *Smutty* and *Garlicky* are currently applied to samples of wheat and rye and to samples of mixed grain in which wheat and rye are predominant.

12. Section 810.901 is revised so it does not apply to mixed grain, since the provisions of this section will be included in the Sample grade definition for Mixed grain. This section will then only apply to the standards for corn, rye, soybeans, and flaxseed. As these four standards are reviewed, the provisions of section 810.901 will be incorporated elsewhere in the standards with the intention of eventually eliminating section 810.901 from all standards. The

interpretation in section 810.901 has already been incorporated in the standards for wheat, barley, oats, sorghum, and triticale.

13. Incorporated also into this revision are nonsubstantive changes to update references to handbooks and FGIS.

List of Subjects in 7 CFR Part 810

Export, grain.

PART 810—[AMENDED]

Accordingly, §§ 810.451–810.453 and § 810.901 and §§ 810.454–810.459 are revised to read as follows:

United States Standards for Mixed Grain

Terms Defined

Sec.

- 810.451 Definition of mixed grain.
810.452 Definition of other terms.

Principles Governing Application of Standards

- 810.453 Basis of determination.
810.454 Temporary modifications in equipment and procedures.
810.455 Percentages.

Grades, grade requirements, and grade designations

- 810.456 Grades and grade requirements.
810.457 Grade designation.

Special Grades, Special Grade Requirements and Special Grade Designations

- 810.458 Special grades and special grade requirements.
810.459 Special grade designations.

UNITED STATES STANDARDS FOR MIXED GRAIN¹

Terms Defined

§ 810.451 Definition of mixed grain.

Mixed grain shall be any mixture of grains for which standards have been established under the United States Grain Standards Act, provided that such mixture does not come within the requirements of any of the standards for such grains and that such mixture consists of 50 percent or more of whole kernels of grain and/or whole and broken soybeans which will not pass through a 5/64 inch triangular-hole sieve and/or whole flaxseed passing through such a sieve.

§ 810.452 Definition of other terms.

(a) *Grades. U.S. Mixed Grain, or U.S. Sample grade Mixed Grain*, and special grades provided for in § 810.458.

(b) *Foreign material and fines*. All material except whole flaxseed which passes through a 5/64 inch triangular-hole sieve, and all material other than

grains for which standards have been established under the Act, remaining on top of the sieve.

(c) *Damaged kernels*. Kernels and pieces of kernels of grains for which standards have been established under the Act, which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, or otherwise materially damaged.

(d) *Heat-damaged kernels*. Kernels and pieces of kernels of grain for which standards have been established under the Act, and which have been materially discolored and damaged by heat.

(e) *Moisture*. Water content in mixed grain as determined by an approved device in accordance with procedures prescribed in the Equipment Handbook² for the kind of grain which predominates in the mixture. For the purpose of this paragraph, *approved device* shall include any equipment that is approved by the Administrator as giving equivalent results.³

(f) *Stones*. Concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(g) *Test weight per bushel*. The weight per Winchester bushel (2,150.42 cubic-inch capacity) as determined on a test portion of the representative sample using a approved device in accordance with instruction in the Grain Inspection Handbook.² Test weight per bushel shall be expressed in whole and half pounds; a fraction of a half pound shall be disregarded. For the purpose of this paragraph, *approved device* shall include any equipment that is approved by the Administrator as giving equivalent results.³

Principles Governing Application of Standards

§ 810.453 Basis of determination.

Damaged and heat-damaged kernels, and the percentage of each kind of grain in the mixture shall be on the basis of the sample after removal of foreign material and fines. Test weight, moisture, odor, and foreign material and fines shall be determined on the basis of the sample as a whole. Determinations

²The Equipment Handbook and the Grain Inspection Handbook copies may be obtained from the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, D.C. 20250.

³Requests for information on approved devices and procedures, criteria for approved devices, and requests for approval of devices should be directed to the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, D.C. 20250.

¹Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal Laws.

of definition are also made on the basis of the sample as a whole.

§ 810.454 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the mixed grain standards are applicable to grain produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvest of grain may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, proper notification will be made in a timely manner. Adjustments in interpretations (i.e., identity, quality, and condition) are excluded and shall not be made.

§ 810.455 Percentages.

(a) Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(1) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; for example, state 0.46 as 0.5.

(2) When the figure to be rounded is followed by a figure less than 5, retain the figure to be rounded only; for example, state 0.54 as 0.5.

(3) When the figure to be rounded is even and is followed by the figure 5, retain the even figure; for example, state 0.45 as 0.4. When the figure to be rounded is odd and is followed by the figure 5, round the figure to the next higher number; for example, state 0.55 as 0.6.

(b) Percentages shall be stated in whole and tenth percent to the nearest tenth percent, except when determining the definition, the percentage of each kind of grain, and foreign material and fines, which are stated in terms of whole percent.

Grades, Grade Requirements, and Grade Designations

§ 810.456 Grades and grade requirements.

(a) *U.S. Mixed Grain (Grade)*. Mixed grain with not more than 15.0 percent of damaged kernels, and not more than 3.0 percent of heat-damaged kernels, and which otherwise does not meet the requirements for the grade *U.S. Sample grade Mixed Grain*.

(b) *U.S. Sample grade Mixed Grain*. Mixed grain which does not meet the requirements for the grade *U.S. Mixed Grain*; or which contains more than 16.0 percent of moisture; or which contains stones; or which contains more than 2 crotalaria seeds (*Crotalaria* spp.) in 1,000 grams of grain; or which is musty, or sour, or heating; or which has any

commercially objectionable foreign odor except of smut or garlic; or which is otherwise of distinctly low quality.

§ 810.457 Grade designation.

(a) *Grade designation for Mixed Grain*. The grade designation for mixed grain shall include the words *U.S. Mixed Grain* or *U.S. Sample grade Mixed Grain*, and the name of each applicable special grade. The name and the approximate percentage of each kind of grain which constitutes 10.0 percent or more of the mixture in the order of predominance and when applicable, the words *other grains* followed by a statement of the percentage of the combined quantity of those kinds of grains, each of which is present in quantity less than 10.0 percent shall be shown in the remarks section of the certificate.

(b) *Optional grade designation*. Mixed grain may be certificated under certain conditions, ⁴ when supported by official analysis as *U.S. Sample grade or better Mixed Grain*. The special grade designation, when applicable, also shall be included (under certain conditions ⁴) in the certification.

Special Grades, Special Grade Requirements and Special Grade Designations

§ 810.458 Special grades and special grade requirements.

(a) *Smutty mixed grain*. (1) Mixed grain in which wheat, rye, or triticale predominates, and which contains balls, portions of balls, or spores of smut in excess of a quantity equal to 14 balls of average size in 250 grams of mixed grain, or (2) any other mixed grain which has the kernels covered with smut spores, or which contains smut masses and/or smut balls in excess of 0.2 percent.

(b) *Ergoty mixed grain*. Mixed grain which contains ergot in excess of 0.10 percent.

(c) *Garlicky mixed grain*. (1) Mixed grain in which wheat, rye, or triticale predominates, and which contains 2 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets in 1,000 grams of mixed grain; or (2) any other mixed grain which contains 4 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 500 grams of mixed grain.

(d) *Weevily mixed grain*. Mixed grain which is infested with live weevils or other insects injurious to stored grain.

⁴The conditions are listed in the Grain Inspection Handbook. Copies may be obtained from the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, D.C. 20250.

(e) *Blighted mixed grain*. Mixed grain in which barley predominates and which, as a whole, contains more than 4.0 percent of barley damaged or materially discolored by blight and/or mold.

(f) *Treated mixed grain*. Mixed grain which has been scoured, limed, washed, sulfured, or treated in such a manner that its true quality is not reflected by the grade designation *U.S. Mixed Grain* or *U.S. Sample grade Mixed Grain*.

§ 810.459 Special grade designations.

(a) The special grade designation for smutty, ergoty, garlicky, weevily, and blighted mixed grain shall include as applicable, following the terms *U.S. Mixed Grain* or *U.S. Sample grade Mixed Grain*, the word(s) *Smutty*, *Ergoty*, *Garlicky*, *Weevily*, or *Blighted*, and all other information prescribed in § 810.457.

(b) The special grade designation for treated mixed grain shall include, the word *Treated*, followed by a statement indicating the kind of treatment (that is, scoured, limed, washed, or sulfured).

Interpretations

§ 810.901 *Interpretation with respect to the term distinctly low quality*. The term *distinctly low quality*, when used in the United States Standards for Corn, Rye, Soybeans, and Flaxseed, shall be construed to include grain which contains more than two crotalaria seeds (*Crotalaria* spp.) in 1,000 grams of grain.

(Secs. 5 and 18, Pub. L. 94-582, 90 Stat. 2869 and 2884 (7 U.S.C. 76 and 87e))

Dated: January 16, 1984.

K. A. Gilles,
Administrator.

[FR Doc. 84-2388 Filed 1-26-84; 8:45 am]

BILLING CODE 3410-EN-M

Animal and Plant Health Inspection Service

9 CFR Part 53

[Docket 83-126]

Lethal Avian Influenza

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations in 9 CFR Part 53 by authorizing the Department to cooperate with States in the control and eradication of lethal avian influenza (a disease of poultry caused by any form of H5 influenza virus that has been determined by the Deputy

Administrator, Veterinary Services, to have spread from the 1983 outbreak in poultry in Pennsylvania) and to pay up to 100 percent of the expenses of "purchase, destruction, and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to" lethal avian influenza. This is necessary in order to help prevent the spread of lethal avian influenza.

DATES: Effective date is January 25, 1984. Written comments must be received on or before March 27, 1984.

ADDRESS: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. William W. Buisch, Chief, National Emergency Field Operations Staff, VS, APHIS, USDA, Room 747, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION:

Background

This document amends the regulations in 9 CFR Part 53 (referred to below as the regulations) which, among other things, provide for a Federal-State cooperative program for the "purchase, destruction, and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to" communicable diseases of livestock or poultry under certain emergency situations. This document amends the regulations because of certain forms of avian influenza.

Serious outbreaks of avian influenza have recently occurred in poultry in Pennsylvania and other States. These outbreaks were caused by forms of H5 avian influenza virus initially found in poultry in Pennsylvania in 1983. Further, it appears that all forms of H5 avian influenza that have resulted from the virus found in poultry in Pennsylvania in 1983, including highly pathogenic avian influenza and other forms of avian influenza, are capable of causing extremely high levels of morbidity and mortality in poultry. In addition, these are the only forms of avian influenza currently known to produce significant levels of mortality in poultry in the United States.

These forms of avian influenza have been collectively named by the Department "lethal avian influenza." Accordingly, lethal avian influenza is

defined as a disease of poultry caused by any form of H5 influenza virus that has been determined by the Deputy Administrator, Veterinary Services, to have spread from the 1983 outbreak in poultry in Pennsylvania.

Application of Regulations to Lethal Avian Influenza

Under the regulations the Deputy Administrator of Veterinary Services, among other things, is authorized to invite the proper State authorities to cooperate with the United States Department of Agriculture in the control and eradication of communicable diseases of poultry specified in the regulations when the Secretary of Agriculture declares that an emergency exists because of such poultry disease. The Secretary has determined that an emergency exists because of lethal avian influenza, for a Notice of Declaration of Extraordinary Emergency, see the Notices Section of today's Federal Register.

Prior to the effective date of this document, § 53.2(b) of the regulations also provided that the following provisions would apply after a determination of emergency had been declared:

Upon agreement of the authorities of the State to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of such a disease, the Director of Division [Deputy Administrator, Veterinary Services] is hereby authorized to agree, on the part of the Department, to cooperate with the State in the control and eradication of the disease, and to pay 50 percent (and in the case of exotic Newcastle disease up to 100 percent) of the expenses of purchase, destruction and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to such disease: *Provided, however,* That if the animals were exposed to such disease prior to or during interstate movement and are not eligible to receive indemnity from any State, the Department may pay up to 100 percent of the purchase, destruction, and disposition of animals and materials required to be destroyed: *Provided, further,* That the cooperative program for the purchase, destruction, and disposition of birds shall be limited to birds as referred to in § 82.2(a) of this chapter, and which are identified in documentation pursuant to the Cooperative Agreements,¹ as constituting a threat to the poultry industry of the United States: *And provided further,* That the Secretary may authorize other arrangements for the payment of such expenses upon finding that an extraordinary emergency exists.

¹ Agreements between the Departments and the particular State involved relating to cooperative animal (including poultry) disease prevention, control, and eradication.

In order to encourage the fullest participation by poultry owners with respect to the destruction of poultry and materials affected with or contaminated with lethal avian influenza virus, it is necessary to amend the regulations to specifically provide that the regulations apply to lethal avian influenza and to allow the Department to pay 100 percent of the expenses of purchase, destruction, and disposition of poultry and materials required to be destroyed because of lethal avian influenza.

Clarifications

As noted above, § 53.2(b) provided, in part:

That the cooperative program for the purchase, destruction, and disposition of birds shall be limited to birds as referred to in § 82.2(a) of this chapter, and which are identified in documentation pursuant to the Cooperative Agreement, as constituting a threat to the poultry industry of the United States:

The term "birds" in the quoted materials was not intended to include poultry. Therefore, for purposes of clarification, the regulations are amended to define a "bird" as "any member of the class of aves other than poultry."

Also, for purposes of clarification, the regulations are amended to define "poultry" as "chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl."

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. In order to encourage participation by poultry owners in a program designed to eradicate lethal avian influenza, immediate action is necessary to establish a mechanism for disposal of and payment for certain poultry and other items.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective upon signature. Comments have been solicited for 60 days after publication of this document. A final document discussing comments received and any amendments required will be published

in the Federal Register as soon as possible.

Executive Order and Regulatory Flexibility Act

The emergency nature of this action makes it impracticable for the Agency to follow the procedures of Executive Order 12291 and Secretary's Memorandum 1512-1 with respect to this interim rule. In order to encourage participation by poultry owners in a program designed to eradicate lethal avian influenza, immediate action is necessary to establish a mechanism for disposal of and payment for certain poultry and other items.

This emergency situation also makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, the Final Regulatory Impact Analysis, if required, will address the issues required in section 604 of the Regulatory Flexibility Act.

List of Subjects in 9 CFR Part 53

Animal diseases, Indemnity payments, Livestock and livestock products, Poultry and poultry products.

Exotic newcastle disease, Foot-and-mouth disease, Highly pathogenic avian influenza, Pleuropneumonia.

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND CERTAIN OTHER COMMUNICABLE DISEASES OF LIVESTOCK OR POULTRY

Under the circumstances referred to above, 9 CFR Part 53 is amended as follows:

1. In § 53.1 paragraph (f) is revised and new paragraphs (l) and (m) are added to read as follows:

§ 53.1 Definitions

(f) "Disease" means foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or any other communicable disease of livestock or poultry which in the opinion of the Secretary constitutes an emergency and threatens the livestock industry of the country; or any other communicable disease of livestock or poultry referred to in this paragraph:

(1) The communicable disease of poultry presently existing in the States of California, Florida, New Mexico, and Texas and diagnosed as exotic Newcastle-disease, at the time of slaughter, on the basis of clinical or laboratory evidence, by a Veterinary

Services employee or representative of the particular State involved.

(2) Lethal avian influenza (a disease of poultry caused by any form of H5 influenza virus that has been determined by the Deputy Administrator, Veterinary Services, to have spread from the 1983 outbreak in poultry in Pennsylvania).

(l) "Bird" means any member of the class aves other than poultry.

(m) "Poultry" means chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl. 2. In § 53.2(b) "(and in the case of exotic Newcastle disease up to 100 percent)" is changed to "(and in the case of exotic Newcastle disease or lethal avian influenza, up to 100 percent)".

Authority: Sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 114, 114a, unless otherwise noted; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 25th day of January, 1984.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 84-2447 Filed 1-25-84; 2:35 pm]

BILLING CODE 3410-34-M

9 CFR Part 78

[Docket No. 83-121]

Brucellosis in Cattle; Change in Status of Arkansas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the State of Arkansas from Class B to Class C. This action is necessary because it has been determined that Arkansas meets the standards for Class C but no longer meets the standards for Class B. The effect of this action is to impose more stringent restrictions on the interstate movement of cattle from Arkansas and thereby help prevent the interstate spread of brucellosis.

EFFECTIVE DATE: January 27, 1984.

FOR FURTHER INFORMATION CONTACT:

Dr. Thomas J. Holt, Cattle Diseases Staff, VS, APHIS, USDA, Room 811, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5961.

SUPPLEMENTARY INFORMATION:

Background

A document published in the Federal Register on August 2, 1983 (48 FR 34943-34944) amended the brucellosis regulations (contained in 9 CFR Part 78) by changing the classification of the State of Arkansas from Class B to Class C. The amendment, which was made effective August 1, 1983, imposed more stringent restrictions on the interstate movement of cattle from Arkansas in order to prevent the interstate spread of brucellosis.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of August 2, 1983, still provides a basis for the amendment.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this action will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512-1.

This action affirms an interim rule which amends the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the State of Arkansas from Class B to Class C.

There are approximately 2 million head of cattle in Arkansas distributed among approximately 51,000 herds. The herds range in size from several head to over a thousand head. For purposes of action under the Regulatory Flexibility Act, most of the cattle producers in Arkansas are considered to be small entities.

Changing the status of Arkansas from Class B to Class C imposes additional testing requirements on the interstate movement of certain cattle. Records concerning the movement, testing, and

slaughter of cattle indicate that most of the cattle sold at markets in Arkansas remain in Arkansas. Cattle moved interstate from Arkansas are moved for slaughter, for use as breeding stock, or for feeding. Under the regulations, cattle moved interstate for immediate slaughter, or to quarantined feedlots will not be subject to the additional testing requirements. Also, calfhood vaccines and cattle from Certified Brucellosis-free herds moving interstate are not subject to the additional testing under the regulations.

Although this amendment is extremely significant for helping to prevent the interstate spread of brucellosis, the number of cattle moved interstate from Arkansas which will be affected by this amendment is insignificant compared to the number of cattle moved interstate within the United States.

Under these circumstances, Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 78

Animal diseases, Cattle, Quarantine, Transportation, Brucellosis.

Accordingly, the interim rule published at 48 FR 34944, August 2, 1983 is adopted as a final rule.

Authority: Secs. 4, 5, 6, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114a-1, 115, 120, 121, 125, 134b, 134f); 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C. this 24th day of January 1984.

J. K. Atwell,

Deputy Administrator, Veterinary Service.

[FR Doc. 84-2380 Filed 1-26-84; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 94

[Docket No. 83-101]

Change in Disease Status of Chile Because of Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which added Chile to the list in 9 CFR 94.1(a)(2) of countries declared to be free of rinderpest and foot-and-mouth disease and added Chile to the list in 9 CFR 94.11(a) of countries free of rinderpest and foot-and-mouth

disease which are subject to special restrictions on the importation of their meat and other animal products into the United States. Chile was not listed as free of rinderpest and foot-and-mouth disease only because it was infected with foot-and-mouth disease. Data furnished to the Department establishes that foot-and-mouth disease has now been eradicated from Chile. This rule allows importation of cattle, sheep, or other ruminants, or swine, or fresh, chilled or frozen meats of such animals into the United States from Chile under certain restrictions.

EFFECTIVE DATE: January 27, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. R. L. Costigan, Import/Export Animals and Products Staff, VS, APHIS, USDA, Room 841, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8499.

SUPPLEMENTARY INFORMATION:

Background

A document published in the *Federal Register* on July 6, 1983 (48 FR 31005-31007) amended 9 CFR Part 94 by adding Chile to the list in § 94.1(a)(2) of countries declared to be free of rinderpest and foot-and-mouth disease and to the list in § 94.11(a) of countries free of rinderpest and foot-and-mouth disease which are subject to special restrictions on the importation of their meat and other animal products into the United States.

The interim rule became effective on the date it was signed, June 29, 1983.

Comments were solicited for 60 days after publication of the amendments. One comment, which was favorable, was received. The factual situation which was set forth in the document of July 6, 1983, still provides a basis for the amendment.

Executive Order 12291

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1, and has been determined to be not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of \$100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512-1.

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. It is anticipated that meat and other animal products offered for importation into the United States from Chile will be less than one percent of such products imported into the United States. It is also anticipated that the number of Chilean sheep, cattle, and other ruminants and swine imported into the United States will be negligible.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock and livestock products, Meat and meat products, Milk, Poultry and poultry products, Foot-and-mouth disease, Rinderpest.

Accordingly, the interim rule published at 48 FR 31007, July 6, 1983 is adopted as a final rule.

Authority: Sec. 2, 32 Stat. 792, as amended; sec. 306, 46 Stat. 689, as amended; secs. 4 and 11, 76 Stat. 130, 132; 19 U.S.C. 1306, 21 U.S.C. 111, 134c, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 24th day of January 1984.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 84-2379 Filed 1-26-84; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-77-AD; Amdt. 39-4799]

Airworthiness Directives; McDonnell Douglas Model DC-10 and KC-10A (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to McDonnell Douglas DC-10 and KC-10A series airplanes. This AD requires the installation of a teflon sleeve in the fuel pump harness conduits on aircraft with over 20,000 flight hours. This

modification is needed to reduce the possibility of electrical wire chafing which may produce holes in the conduits within the tanks. Arcing in the presence of liquid fuel or fuel vapor-air mixture could lead to a fire or explosion.

DATES: Effective March 2, 1984.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Roy A. McKinnon, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2835.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) requiring installation of teflon sleeves in the fuel pump harness conduits on airplanes with over 20,000 flight hours in accordance with the Accomplishment Instructions of McDonnell Douglas DC-10 Service Bulletin 24-123, Revision 1, dated November 22, 1983, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, was published as a Notice of Proposed Rulemaking (NPRM) in the *Federal Register* (48 FR 37425) dated August 18, 1983. This proposal was prompted by a reported finding of two small holes in a wing tank aft fuel boost pump electrical conduit which had been removed from a high-time airplane. These holes, 5 mils and 15 mils in diameter, were caused both by chafing and by bare-wire electrical arcing to the conduit wall. Based upon inspections of conduits having .020-inch thick teflon inner linings that were removed from a wing also having high-time in service, the manufacturer estimated the normal wear to be approximately 1 mil. Although other incidents of this type have not been reported, the potential fire hazard requires precautionary measures to be taken on airplanes exceeding 20,000 hours.

Interested persons have been afforded an opportunity to participate in the

making of this amendment. A total of four comments were received, one from a domestic operator, one from a foreign operator, one from the manufacturer and one from the Air Transport Association (ATA). All comments requested an increase in compliance time from 3000 flight hours to 4000 hours or more (4500 hours by the foreign operator). The domestic operator suggested that the effective date could be established to result effectively in that amount of time. The FAA agrees that an extension of time to 4000 flight hours, or one year, whichever occurs later, will not adversely impact safety. In addition, the manufacturer suggested additional clarification of the wording in the proposed AD and issued a telex, DC-10-COM-24/RJM dated 10/21/83, to all DC-10 operators advising them of an error in the original issuance of McDonnell Douglas DC-10 Service Bulletin 24-123. Therefore, accomplishment of the modifications described in McDonnell Douglas DC-10 Service Bulletin 24-123, Revision 1, dated November 22, 1983, constitutes compliance with this AD.

It is estimated that 171 airplanes of U.S. Registry and 22 Military airplanes will be affected by this AD. The cost for parts and labor is estimated to be \$267,188 for U.S. operators and \$48,950 for military airplanes. For these reasons, the rule is not considered to be a major rule under the criteria of Executive Order 12291. No small entities within the meaning of the Regulatory Flexibility Act will be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require that the rule be adopted as proposed except with the minor changes noted above.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

PART 39—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10 and KC-10A (Military) series airplanes, certificated in all categories. Compliance required as indicated, unless previously accomplished.

To prevent chafing and electrical arcing in fuel tank pump electrical conduits, accomplish the following:

A. Prior to the accumulation of 20,000 hours time in service, or within the next 4000 hours

time in service, or one year after the effective date of this AD, whichever occurs later, install teflon tubing in all aft fuel tank pump harness conduits (main tank aft pumps and center wing tank pumps) in accordance with the Accomplishment Instructions in McDonnell Douglas DC-10 Service Bulletin 24-123, Revision 1, dated November 22, 1983, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

B. Prior to the accumulation of 30,000 hours time in service, or within the next 4000 hours time in service, or one year after the effective date of this AD, whichever occurs later, install teflon tubing in all remaining fuel tank pump harness conduits in accordance with the Accomplishment Instructions in McDonnell Douglas DC-10 Service Bulletin 24-123, Revision 1, dated November 22, 1983, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

D. Alternate means of compliance providing an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this amendment who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington or at 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective March 2, 1984.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model DC-10 and KC-10A series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on January 17, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-2285 Filed 1-26-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-72-AD, Amdt. 39-4798]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires revision to the limitations section in the FAA approved Boeing Model 747 Airplane Flight Manual (AFM) and installation of a LOW N₁ engine rpm caution indication on the pilots' forward panel. The LOW N₁ caution and AFM information are needed to insure engines are not operated below a safe level during icing conditions. Engine operation below this minimum rpm has caused multiple engine thrust loss and engine damage during certain airplane operation in icing conditions.

DATES: Effective March 2, 1984.

Compliance schedule as prescribed in the body of the AD.

ADDRESS: The applicable Service Bulletins may be obtained from The Boeing Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Kanji K. Patel, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2973. Mailing Address: Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 (14 CFR Part 39) of the Federal Aviation Regulations to include an AD requiring revision to the limitations section in the FAA approved Model 747 AFM and installation on the pilots' forward panel of LOW N₁ rpm caution indication was published in the *Federal Register* on September 30, 1982 (47 FR 43072). Two additional notices were also published. The first invited the public to meet and present comments and the second reopened and extended the comment period. Interested persons have been

afforded the opportunity to participate in the making of this amendment and due consideration has been given to all relevant data and comments provided. A total of thirteen responses were received concerning the proposed rule from the airframe manufacturer, domestic and foreign operators of the affected airplane models, engine manufacturers, and other interested parties. Based on the responses received and upon further review within the FAA, several substantive changes and changes of an editorial and clarifying nature have been made to the proposed rule.

Discussion of Comments

A discussion of the major comments received and the FAA position thereon follows:

Four commenters addressed the definition of icing conditions published in the NPRM. One agreed with the FAA proposed definition of icing conditions while the other three agreed to the changes to the definition proposed by the Air Transport Association (ATA). The ATA considered the FAA definition of icing conditions too restrictive for operators exposed to colder environment since it would have required operation of the anti-icing system during conditions of packed snow where the threat of ingestion is remote. The FAA has agreed with this assessment, and the rule as adopted, has been revised accordingly. The ATA proposed definition of icing conditions also introduced two levels of temperature, 8°C OAT and 10°C TAT for ground and inflight operations, respectively. The FAA does not agree with this change. The FAA considers the standard 10°C, either OAT or TAT, that has been in use for some time is appropriate and that it represents an accepted industry standard. A minor variation like this is also likely to cause improper operation of the anti-ice system, the crew to err, and it does not represent a significant restriction or economic burden to operators. Therefore, the ATA proposed definition is adopted in the final rule, except the temperature reference has been changed from 8°C OAT to 10°C OAT.

One commenter stated that either definition is going to increase fuel cost. FAA agrees with the assessment of fuel cost increase, however, the FAA considers the fuel cost impact would be insignificant and necessary in the interest of safety.

Four commentators addressed and agreed to the proposed revision to the AFM Limitation Section to incorporate the N₁ limitations for operations in icing

conditions and a definition of icing conditions.

Eight commenters stated that the requirement of continuous ignition during icing conditions should be withdrawn since the continuous ignition requirement would reduce the igniter service life. This would have a negative impact on the availability of the system when needed and would also increase the cost of maintenance. Additionally, no sufficient service experience data are available to substantiate that continuous ignition in icing conditions will prevent engine flameouts or would enhance the restart capability. The FAA agrees with the assessment and the continuous ignition requirement is deleted from the final rule.

Eight commenters addressed the requirement for the LOW N₁ rpm indication system. Out of eight, two had no objection and one stated that the installation is not burdensome. One is pursuing alternative means of compliance which would require less time and expense. The FAA will consider all alternative means of compliance based on equivalent safety. One stated that the altitude bias switch (Baro-Switch for 10,000 feet) should be an option for those who want to use 50% N₁ for all altitudes. The FAA agrees as it would be a conservative approach to ice protection. The Australian Department of Aviation disagreed with the Low N₁ indication requirement and stated that it would not be made mandatory in Australian registered aircraft. Three proposed to implement a comprehensive crew training program instead of the Low N₁ indication system. The FAA does not agree. The evidence presented by the reported incidents indicates that the training has not prevented the crew from entering the icing conditions with engines at lower than the required N₁ speed and/or with the anti-icing system "OFF."

Two commenters suggested development of reliable ice detectors by the (airframe) manufacturers. The FAA has no comment on this as the subject of development of a reliable ice detector is outside the scope of this AD.

Two commenters suggested, in addition to comprehensive crew training, installation of minimum N₁ placards next to the engine anti-ice switches in lieu of a low N₁ alerting system. The FAA disagrees. The placards are considered to have the same effect as the AFM limitations. They are inactive visual cues. They do not have the same effect as the conspicuous flashing alert signal, an annunciation in the cockpit which is not likely to be ignored by the crew.

One commenter stated that the low N_1 indication system installation penalizes all airlines because some do not follow the AFM published procedures. The FAA disagrees with this statement. It is of FAA's intention to penalize any operator. The AFM procedures are designed to enhance the safety of the airplane. Strict adherence to the approved procedures is required. However, service experience has shown that the AFM procedural requirement has not prevented operation of engines at lower than the required N_1 rpm. Therefore, the FAA believes that the low N_1 indication requirement is necessary in the interest of safety.

Three commenters objected to the 12-month compliance period proposed in the NPRM. All three of them thought the 12-month compliance period would impose an undue economic burden by having to require scheduling an airplane into maintenance solely for the purpose of the LOW N_1 system installation. These commenters preferred a compliance schedule that would be compatible with the "C" check of the airplane. The FAA agrees with this assessment and the compliance period in the rule as adopted has been revised upward to 24 months.

Cost Estimate

It has been estimated that approximately 160 airplanes will be affected by this AD, that it will involve less than 100 man hours per airplane to accomplish the modification and AFM revisions, and the average labor cost will be less than \$35 per manhour. Necessary modification components are estimated to cost less than \$4000 per airplane. Based upon these estimates, the total cost impact of this AD is estimated to be less than \$7500 per airplane for a total cost of \$1,200,000 for U.S. registered airplanes. For these reasons, the rule is not considered to be a major rule under the criteria of Executive Order 12291. No small entities within the meaning of the Regulatory Flexibility Act would be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and public interest require the adoption of the proposed rule with the changes previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Regulations (14 CFR 39.13) is amended

by adding the following new airworthiness directive:

Boeing: Applies to Boeing Model 747 series airplanes certificated in all categories. Compliance required as indicated, unless already accomplished.

A. To clarify the operation of the anti-icing system, emphasize the need to maintain the specified minimum N_1 engine rpm during icing conditions, and expand the definition of icing conditions, accomplish the following: Within 120 days from the effective date of this AD, unless already accomplished, revised the FAA approved Airline Flight Manual (AFM) Certificate Limitations Section by adding:

"ENGINE ANTI-ICE SYSTEM

When penetrating or operating in Icing Conditions, maintain a minimum of 50% N_1 rpm at 10,000 feet and above, and 45% N_1 rpm for Pratt & Whitney JT9D and General Electric CF6 engines, and 42% N_1 for Rolls Royce RB211 engines, below 10,000 feet altitude, except as required for landing.

Nacelle anti-ice must be ON during all ground and flight operations when icing conditions exist or are anticipated, except during climb and cruise when the temperature is below -40°C SAT. Nacelle anti-ice must be ON prior to and during descent in all icing conditions, including temperatures below -40°C SAT.

Note.—Icing Conditions—Icing Conditions exist when the OAT on the ground and for takeoff, or TAT inflight is 10°C or below and visible moisture in any form is present (such as clouds, fog with visibility of one mile or less, rain, snow, sleet, and ice crystals).

Icing conditions also exist when the OAT on the ground and for takeoff is 10°C or below when operating on ramps, taxiways or runways where surface snow, ice, standing water, or slush may be ingested by the engines or freeze on engines, nacelles or engine sensor probes."

B. To alert the flight crew of engine operation at a lower N_1 than required for icing condition, install a LOW N_1 rpm caution indication system as follows:

Within 24 months from the effective date of this AD, unless already accomplished, provide "LOW N_1 " indication that will alert the flight crew that the nacelle anti-ice is "ON and N_1 is less than 45% N_1 (42% N_1 for RB211 engines) below 10,000 feet, and is less than 50% N_1 above 10,000 feet altitude.

Note.—The LOW N_1 indication may be provided by incorporating Boeing Service Bulletin S/B 747-77-2060 for the JT9D Pratt & Whitney powered airplanes and S/B 747-77-2063 for General Electric CF6 and Rolls Royce RB211 powered airplanes.

Both service bulletins have been approved by the FAA and were released on February 14, 1983. The service bulletins may be obtained from the Boeing Company at the following address: The Boeing Company, P.O. Box 3707, Seattle, Washington 98124.

C. Alternate means of compliance with the AD which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, 9010 East Marginal Way South, Seattle, Washington.

D. A special flight permit may be issued in accordance with FAR 21.197 and 21.199 for the purpose of flying the aircraft which has exceeded the compliance period to a maintenance facility where the modification can be performed.

This amendment becomes effective on March 2, 1984.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, small entities operate the model 747 aircraft. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on January 17, 1984.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-2268 Filed 1-26-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR PART 71

[Airspace Docket Number 83-ACE-19]

Alteration of Transition Area, Storm Lake, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Storm Lake, Iowa, to revise the instrument approach procedure utilizing the Storm Lake, Iowa, Nondirectional Radio Beacon (NDB). The final approach bearing has been realigned to improve the procedure, which necessitates this change. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: May 10, 1984.

FOR FURTHER INFORMATION CONTACT:

Dwaine Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th

Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage an instrument approach procedure to the Storm Lake, Iowa, Municipal Airport utilizing the Storm Lake NDB as a navigational aid is being revised by realigning the final approach bearing which will improve the present procedure. The revised approach procedure entails alteration of the transition area at Storm Lake, Iowa, at and above 700 feet above the ground (AGL), within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On Pages 52322 and 52323 of the *Federal Register*, dated November 17, 1983, the FAA published a Notice of Proposed Rulemaking which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Storm Lake, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, May 10, 1984, by altering the following transition area:

Storm Lake, Iowa

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Storm Lake, Iowa, Municipal Airport (Latitude 42°36'00"N, Longitude 95°15'00"W) and within three (3) miles each side of the 185° bearing from the Storm Lake NDB (Latitude 42°36'00"N, Longitude 95°14'30"W) extending from the 6.5-mile radius area to 8.5 miles south of the airport. (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant

preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on January 19, 1984.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 84-2263 Filed 1-26-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-AWA-33]

Alteration of VOR Federal Airway V-508; Wichita, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of VOR Federal Airway V-508 located in the vicinity of Wichita, KS. The Wichita VORTAC has been relocated and appropriate airspace action completed (ASD 83-ACE-2). During a recent airways review, we found a 9-mile segment of V-508, located between CHARI, KS, Intersection and Manhattan, KS, VORTAC that had been inadvertently overlooked during the realignment of airspace associated with the Wichita VORTAC. This amendment corrects that omission. It was intended that V-508 and V-261, between CHARI Intersection and Manhattan, KS, should coincide.

DATES: Effective date—March 15, 1984.

Comments must be received on or before March 12, 1984.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Central Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-33, Federal Aviation Administration, 601 East 12th Street, Federal Building, Kansas City, MO 64106.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information

Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8626.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves amending the description of a segment of V-508 located in the vicinity of Wichita, KS, that is also codesignated with V-261, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the description of V-508 that was inadvertently overlooked during the realignment of airways associated with the relocation of the Wichita, KS, VORTAC (ASD 83-ACE-2). Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

Since this action merely makes a small change to the description of a 9-mile segment of VOR Federal Airway V-508, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary and that good cause exists for making this amendment effective on the next charting date.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., March 15, 1984, as follows:

V-508 [Amended]

By deleting the words "Salina, KS; INT Salina 080° and Manhattan, KS, 213° radials; Manhattan;" and substituting the words "Salina, KS, INT Salina 080° and Manhattan, KS, 207° radials; Manhattan;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on January 19, 1984.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 84-2269 Filed 1-26-84; 8:45 am]

BILLING CODE 4910-01-M

14 CFR Part 71

[Airspace Docket No. 83-ANE-28]

Amend the Description of the Hartford, Connecticut 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of the 700-foot transition area at Hartford, Connecticut. The microwave landing system/distance measuring equipment (MLS/DME) Runway 22 instrument approach procedure (SIAP) to Rentschler Field, East Hartford, Connecticut, is being changed and, as a result, this alteration of the Hartford 700-foot transition area is required to contain Instrument Flight Rules (IFR) arrival procedures.

EFFECTIVE DATE: May 10, 1984.

FOR FURTHER INFORMATION CONTACT: David Hurley, Operations Procedures and Airspace Branch, ANE-530, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7385.

SUPPLEMENTARY INFORMATION:**History**

On Tuesday, December 6, 1983, a notice of proposed rulemaking was published in the Federal Register [48 FR 54645] stating that the FAA proposed to change the description of the 700-foot transition area at Hartford, Connecticut. This amendment is necessary due to a change in the MLS/DME Runway 22 instrument approach procedure to Rentschler Field, East Hartford, Connecticut. Interested persons were invited to participate in the rulemaking process by submitting written comments on the proposal to the FAA. No objections were received.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment**PART 71—[AMENDED]**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends Section 71.181 of the Federal Aviation Regulations [14 CFR Part 71] as follows:

Hartford, Connecticut

Delete after the words "runway threshold" the following:

" * * * and within 4.5 miles each side of Runway 22 centerline extended from the 9 mile radius to 10 miles northeast of the runway threshold;"

Insert after the words "runway threshold" the following:

" * * * and within 5 miles each side of Runway 22 centerline extended from the 9 miles radius to 11 miles northeast of the runway threshold;"

(Secs. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Massachusetts, on January 17, 1984.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 84-2264 Filed 1-26-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASO-38]

Designation of Transition Area, Jefferson, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates the Jefferson, Georgia, transition area in the vicinity of Jackson County Airport. This action will lower the base of controlled airspace from 1,200 to 700 feet above the surface to provide controlled airspace for Instrument Flight Rule (IFR) operations in the vicinity of the airport. An instrument approach procedure, predicated on the Athens VORTAC facility, has been developed to serve the airport and additional controlled airspace is required for protection of IFR operations.

EFFECTIVE DATE: 0901 G.m.t., March 15, 1984.

FOR FURTHER INFORMATION CONTACT:

Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:**History**

On Friday, November 25, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating the Jefferson, Georgia, transition area to provide controlled airspace for protection of IFR operations in the vicinity of Jackson County Airport (48 FR 53130). An instrument approach procedure has been developed to serve the airport and this action will designate controlled airspace for containment of instrument flight activities in the vicinity of the airport. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. All comments received were favorable. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Jefferson, Georgia, transition area and lowers the base of controlled airspace in the vicinity of Jackson County Airport from 1,200 to 700 feet above the surface.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Jefferson, Georgia, transition area is designated under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) effective 0901 G.m.t., March 15, 1984, as follows:

Jefferson, GA—[New]

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Jackson County Airport (Lat. 34°34'11"00"N., Long. 83°33'00"W.).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Public Law 97-449, January 12, 1983))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on January 13, 1984.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 84-2261 Filed 1-26-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 84-ASO-1]

Alteration of Transition Area, Alabaster, Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Alabaster, Alabama, transition area by revising the coordinates of two airports and revoking two transition area arrival extensions. The geographical coordinates of the airports are improperly listed and this action will correct the deficiency. The arrival extensions were previously designated to provide controlled airspace for

aircraft executing instrument approach procedures to Shelby County Airport and Bessemer Airport. However, as the non-Federal radio beacons which were to support the procedures have never been commissioned, the arrival extensions are not required.

DATES: Effective date: 0901 G.m.t., April 12, 1984. Comments must be received on or before March 12, 1984.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, ATTN: Manager, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:**Request for Comments on the Rule**

Although this action is in the form of a final rule, which involves revising the geographical coordinates of two airports and revoking two transition area arrival extensions and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revise the coordinates of two airports and to raise the floor of controlled airspace from 700 feet to 1,200 feet above the surface in an area of approximately 15 square miles southwest of Bessemer Airport and 36 square miles south of Shelby County

Airport. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need to properly list the coordinates of two airports and raise the floor of controlled airspace in the vicinity of the airports. The changes relieve a restriction and are so minor I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Alabaster, Alabama, transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., April 12, 1984, as follows:

Alabaster, AL [Revised]

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby County Airport (Lat. 33°10'41"N., Long. 86°47'01"W.), within a 6.5-mile radius of Bessemer Airport (Lat. 33°18'52"N., Long. 86°55'24"W.); excluding that portion that coincides with the Birmingham transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Public Law 97-449, January 12, 1983).)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on January 18, 1984.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 84-2262 Filed 1-26-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

18 CFR Part 157

[Docket No. RM81-19]

Natural Gas Pipeline Certificates

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order of the Director, OPFR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.307 (t), the Director of the Office of Pipeline and Producer Regulation computes and publishes the project cost and annual limits for projects relating to natural gas sales and transportation specified in Table I of § 157.208(d) and Table II of § 157.215(a) for each calendar year.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPFR (202) 357-8500.

SUPPLEMENTARY INFORMATION:

Issued: January 23, 1984.

Section 157.208(d) of the Commission's Regulations provides for project cost limits applicable to construction, acquisition, operation and miscellaneous rearrangement of facilities (Table I) authorized under the blanket certificate procedure (Order No. 234, 19 FERC ¶ 61,216). Section 157.215(a) specifies the calendar year dollar limit which may be expended on underground storage testing and development (Table II) authorized under the blanket certificate. Section 157.208(d) requires that the "limits specified in Tables I and II shall be adjusted each calendar year to reflect the 'GNP implicit price deflator' published by the Department of Commerce for the previous calendar year."

Pursuant § 375.307(t) of the Commission's Regulations, the authority for the publication of such cost limits, as adjusted for inflation, is delegated to the Director of the Office of Pipeline and Producer Regulation. The cost limits for calendar years 1982 through 1984, as published in Table I of § 157.208(d) and Table II of § 157.215(a), are hereby issued.

List of Subjects in 18 CFR Part 157

Natural gas.
Kenneth A. Williams,
Director, Office of Pipeline and Producer
Regulation.

PART 157—[AMENDED]

1. In § 157.208(d) table I is revised to read as follows:

§ 157.208 Construction, acquisition, operation, and miscellaneous rearrangement of facilities.

* * * * *

(d) * * *

TABLE I

Year	Limit	
	Auto. proj. cost limit (col. 1)	Prior notice proj. cost limit (col. 2)
1982.....	\$4,200,000	\$12,000,000
1983.....	4,500,000	12,800,000
1984.....	4,700,000	13,300,000

* * * * *

2. In section 157.215(a) table II is revised to read as follows:

§ 157.215 Underground storage testing and development.

(a) * * *

Table II

Year	Limit
1982.....	\$2,700,000
1983.....	2,900,000
1984.....	3,000,000

* * * * *

Authority: Natural Gas Act, 15 U.S.C. 717-717w.

[FR Doc. 84-2245 Filed 1-26-84; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM80-53]

Natural Gas Policy Act; Ceiling Prices; Maximum Lawful Prices

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order of the Director, OPFR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 357.307(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices

prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of February, March and April 1984, section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: February 1, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPFR (202) 357-8500.

SUPPLEMENTARY INFORMATION: Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of February, March and April 1984, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103, 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to February 1984 are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.
Kenneth A. Williams,
Director, Office of Pipeline and Producer
Regulation.

PART 271—[AMENDED]

§§ 271.101 and 271.102 [Amended]

1. Section 271.101(a) is amended by inserting the maximum lawful prices for February, March and April 1984 in Tables I and II.

2. Section 271.102(c) is amended by inserting the inflation adjustment for the months of February, March and April 1984 in Table III.

TABLE I.—NATURAL GAS CEILING PRICES (OTHER THAN NGPA SECTIONS 104 AND 106(A))

(Maximum lawful price per MMBtu for deliveries in:)

Subpart of part 271	NGPA section	Category of gas	February 1984	March 1984	April 1984
B.....	102.....	New natural gas, certain OCS gas.....	\$3.609	\$3.632	\$3.656
C.....	103.....	New, onshore production wells.....	2.859	2.869	2.879
F.....	106(b)(1)(B).....	Alternative maximum lawful price for certain intra-state rollover gas.....	1.633	1.638	1.643
G.....	107(c)(5).....	Gas produced from tight formations.....	5.718	5.738	5.758
H.....	108.....	Stripper gas.....	3.866	3.891	3.916
I.....	109.....	Not otherwise covered.....	2.367	2.375	2.383

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106 (A) (SUBPART D, PART 271)

(Maximum lawful price per MMBtu for deliveries made in:)

Category of natural gas	Type of sale or contract	February 1984	March 1984	April 1984
Post 1974 gas.....	All producers.....	\$2.367	\$2.375	\$2.383
1973-74 biennium gas.....	Small producer.....	2.004	2.011	2.018
	Large producer.....	1.530	1.535	1.540
Interstate rollover gas.....	All producers.....	.879	.882	.885
Replacement contract gas or recompletion gas.....	Small producer.....	1.124	1.128	1.132
	Large producer.....	.861	.864	.867
Flowing gas.....	Small producer.....	.568	.570	.572
	Large producer.....	.480	.482	.484
Certain Permian Basin gas.....	Small producer.....	.672	.674	.676
	Large producer.....	.591	.593	.595
Certain Rocky Mountain gas.....	Small producer.....	.672	.674	.676
	Large producer.....	.568	.570	.572
Certain Appalachian Basin gas.....	North subarea contracts dated after 10-7-69.....	.537	.539	.541
	Other contracts.....	.498	.500	.502
Minimum rate gas ¹	All producers.....	.293	.294	.295

¹ Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery 1984	Factor by which price in preceding month is multiplied
February.....	1.00335
March.....	1.00335
April.....	1.00335

(PR Doc. 84-2244 Filed 1-26-84; 8:45 am)

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 440, 539, and 540

[Docket No. 81N-0072]

Iodometric Assay Method for Ampicillin and Amoxicillin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations by revising the iodometric assay method for ampicillin and amoxicillin for human and veterinary use. The agency is taking this action to improve the iodometric assay for these antibiotic drugs.

DATES: Effective February 27, 1984; comments, notice of participation, and

request for hearing by February 27, 1984; data, information, and analyses to justify a hearing by March 27, 1984.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Joan M. Eckert, National Center for Drugs and Biologics (HFN-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 17, 1981 (46 FR 22389), corrected on May 5, 1981 (46 FR 25107), FDA proposed to amend the antibiotic drug regulations by revising the iodometric assay method for ampicillin and amoxicillin for human and veterinary use.

As discussed in the proposal, the iodometric assay in § 436.204 (21 CFR 436.204) of the antibiotic regulations is a residual titration procedure used to determine the potency of penicillin

antibiotic drugs. The amount of intact penicillin is determined by measuring the difference between the volume of titrant (iodine) consumed in a titration of a control sample (blank) and that consumed in a titration with an alkaline hydrolyzed (inactivated) sample, in which penicillin is hydrolyzed to penicilloic acid. The agency has determined that the iodine is also bound to intact ampicillin and amoxicillin in the blank solutions thereby causing false results. To obtain valid results, it is necessary to add a few drops of acid to the blank solutions to release the iodine bound to these antibiotic drugs.

In addition, the agency proposed to amend several individual monographs for these antibiotic drugs by making corrections in the diluent used for sample preparation in the iodometric assay.

Interested persons were given until June 16, 1981, to submit written comments on this proposal and to May 18, 1981, to submit requests for an informal conference. No comments or requests for an informal conference were received.

The agency has considered the economic impact of this final rule and has determined that it does not require a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). Specifically, the final rule would refine an existing technical provision without imposing a more stringent requirement. Accordingly, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects

21 CFR Part 440

Antibiotics, penicillin.

21 CFR Part 539

Animal drugs, Antibiotics, bulk.

21 CFR Part 540

Animal drugs, Antibiotics, penicillin.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n), 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 440, 539, and 540 are amended as follows:

PART 440—PENICILLIN ANTIBIOTIC DRUGS

1. Part 440 is amended:

a. In § 440.3 by revising paragraph (b)(1)(ii) to read as follows:

§ 440.3 Amoxicillin trihydrate.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution.

b. In § 440.5 by revising paragraph (b)(1)(ii) to read as follows:

§ 440.5 Ampicillin.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution.

c. In § 440.7 by revising paragraph (b)(1)(ii) to read as follows:

§ 440.7 Ampicillin trihydrate.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution.

d. In § 440.7a by revising paragraph (b)(1)(ii) to read as follows:

§ 440.7a Sterile ampicillin trihydrate.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution.

e. In § 440.9a by revising paragraph (b)(1)(ii)(b) to read as follows:

§ 440.9a Sterile ampicillin sodium.

(b) * * *

(1) * * *

(ii) * * *

(b) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to

both the sample and working standard solutions after the addition of 0.01*N* iodine solution.

f. In § 440.103a by revising paragraph (b)(1)(ii) to read as follows:

§ 440.103a Amoxicillin trihydrate capsules.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with distilled water to the prescribed concentration.

g. In § 440.103b by revising paragraph (b)(1)(ii) to read as follows:

§ 440.103b Amoxicillin trihydrate for oral suspension.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a single dose) into an appropriately sized volumetric flask and dilute to volume with distilled water. Mix well. Further dilute with distilled water to the prescribed concentration.

h. In § 440.105a by revising paragraph (b)(1)(ii) to read as follows:

§ 440.105a Ampicillin tablets.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place a representative number of tablets in a high-speed glass blender jar and add sufficient distilled water to give a convenient concentration. Blend

for 3 to 5 minutes. Further dilute an aliquot with distilled water to the prescribed concentration.

i. In § 440.105b by revising paragraph (b)(1)(ii) to read as follows:

§ 440.105b Ampicillin chewable tablets.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Blend a representative number of tablets in a high-speed blender with sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

j. In § 440.105c by revising paragraph (b)(1)(ii) to read as follows:

§ 440.105c Ampicillin capsules.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

k. In § 440.105d by revising paragraph (b)(1)(ii) to read as follows:

§ 440.105d Ampicillin for oral suspension.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a

single dose) into an appropriately sized volumetric flask and dilute to volume with distilled water. Mix well. Further dilute with distilled water to the prescribed concentration.

l. In § 440.107a by revising paragraph (b)(1)(ii) to read as follows:

§ 440.107a Ampicillin trihydrate chewable tablets.

(b) * * *
(1) * * *
(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient distilled water to give a convenient concentration. Blend for 5 minutes. Further dilute with distilled water to the prescribed concentration.

m. In § 440.107b by revising paragraph (b)(1)(ii) to read as follows:

§ 440.107b Ampicillin trihydrate capsules.

(b) * * *
(1) * * *
(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

n. In § 440.107c by revising paragraph (b)(1)(ii) to read as follows:

§ 440.107c Ampicillin trihydrate for oral suspension.

(b) * * *
(1) * * *
(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Reconstitute the drug as

directed in the labeling. Place an accurately measured aliquot (usually a single dose) into an appropriately sized volumetric flask and dilute to volume with distilled water. Mix well. Further dilute with distilled water to the prescribed concentration.

o. In § 440.107d by revising paragraph (b)(1)(ii)(b) to read as follows:

§ 440.107d Ampicillin trihydrate-probenecid for oral suspension.

(b) * * *
(1) * * *
(ii) * * *
(b) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Dilute an aliquot of the aqueous solution to the prescribed concentration.

p. In § 440.107e by revising paragraph (b)(1)(ii) to read as follows:

§ 440.107e Ampicillin trihydrate-probenecid capsules.

(b) * * *
(1) * * *
(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar with sufficient distilled water to give a convenient concentration. Blend for 8 to 10 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

q. In § 440.207 by revising paragraph (b)(1)(ii)(b) to read as follows:

§ 440.207 Sterile ampicillin trihydrate for suspension.

(b) * * *
(1) * * *
(ii) * * *
(b) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Dilute an aliquot of the

stock solution with distilled water to the prescribed concentration.

PART 539—BULK ANTIBIOTIC DRUGS SUBJECT TO CERTIFICATION

2. Part 539 is amended in § 539.3 by revising paragraph (b)(1)(ii) to read as follows:

§ 539.3 Sterile amoxicillin trihydrate.

(b) * * *
(1) * * *
(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution.

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

3. Part 540 is amended:
a. In § 540.103a by revising paragraph (b)(1)(ii) to read as follows:

§ 540.103a Amoxicillin trihydrate film-coated tablets.

(b) * * *
(1) * * *
(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Place the contents of a representative number of tablets into a high-speed glass blender jar. Add sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with distilled water to the prescribed concentration.

b. In § 540.103b by revising paragraph (b)(1)(ii) to read as follows:

§ 540.103b Amoxicillin trihydrate for oral suspension.

(b) * * *
(1) * * *
(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Reconstitute the drug as directed in the labeling. Place an

accurately measured aliquot (usually a single dose) in a suitable volumetric flask. Dilute to volume with distilled water. Mix well. Further dilute with distilled water to the prescribed concentration.

c. In § 540.103c by revising paragraph (b)(1)(ii) to read as follows:

§ 540.103c Amoxicillin trihydrate oral suspension.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Place an accurately measured aliquot (usually 5 pump doses) in a separatory funnel containing 100 milliliters of petroleum ether. Shake vigorously until homogeneous. Add 140 milliliters of distilled water. Shake for 5 minutes. Allow the layers to separate. Drain the lower aqueous layer into a 250-milliliter volumetric flask. Repeat the extraction twice with 50-milliliter portions of distilled water. Combine the second and third extractives with the first. Dilute to volume with distilled water.

d. In § 540.105 by revising paragraph (b)(1)(ii) to read as follows:

§ 540.105 Ampicillin capsules.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar. Add sufficient distilled water to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

e. In § 540.107a by revising paragraph (b)(1)(ii) to read as follows:

§ 540.107a Ampicillin trihydrate tablets.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Place a representative number of tablets into a high-speed glass blender jar. Add sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 minutes. Further dilute an aliquot of the stock solution with distilled water to give the prescribed concentration.

f. In § 540.107b by revising paragraph (b)(1)(ii) to read as follows:

§ 540.107b Ampicillin trihydrate capsules.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar. Add sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

g. In § 540.107c by revising paragraph (b)(1)(ii) to read as follows:

§ 540.107c Ampicillin trihydrate for oral suspension.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot, usually a single dose, in a suitable volumetric flask. Dilute to volume with distilled water. Mix well. Further dilute with distilled water to the prescribed concentration.

h. In § 540.107d by revising paragraph (b)(1)(ii) to read as follows:

§ 540.107d Ampicillin trihydrate soluble powder.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Dissolve an accurately weighed sample, usually 1 gram, in sufficient distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

i. In § 540.107e by revising paragraph (b)(1)(ii) to read as follows:

§ 540.107e Ampicillin trihydrate boluses.

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Place a representative number of boluses into a high-speed glass blender jar. Add sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

j. In § 540.203 by revising paragraph (b)(1)(ii)(b) to read as follows:

§ 540.203 Sterile amoxicillin trihydrate for suspension.

(b) * * *

(1) * * *

(ii) * * *

(b) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

k. In § 540.207a by revising paragraph (b)(1)(ii) to read as follows:

§ 540.207a Sterile ampicillin trihydrate suspension.

(b) ***

(1) ***

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Prepare the sample as follows: Using a suitable syringe and needle, transfer a 2.5-milliliter portion of the sample to a separatory funnel containing 100 milliliters of diethyl ether. Extract twice with 150 milliliters of 0.2N hydrochloric acid. Collect the extracts in a 500-milliliter volumetric flask. Bring to volume with distilled water to obtain a concentration of 1 milligram per milliliter (estimated).

1. In § 540.207b by revising paragraph (b)(1)(ii)(b) to read as follows:

§ 540.207b Sterile ampicillin trihydrate for suspension.

(b) ***

(1) ***

(ii) ***

(b) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2N hydrochloric acid to both the sample and working standard solutions after the addition of 0.01N iodine solution. Dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before February 27, 1984, a written notice of participation and request for hearing, and (2) on or before March 27, 1984, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions under this order must be filed in three

copies, identified with the docket number appearing in the heading of this order, and filed with the Dockets Management Branch (address above).

The procedures and requirements governing this order, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective February 27, 1984.

(Secs. 507, 512(n), 701(f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n), 371(f) and (g)))

Dated: January 20, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-2256 Filed 1-26-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7937 LR-1386]

Income Tax; Taxable Years Beginning After December 31, 1953; Consolidated Return Accumulated Earnings and Profits Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the tax imposed with respect to certain accumulated earnings of an affiliated group of corporations that makes a consolidated income tax return. The purpose of the regulations is to provide rules for the application of the accumulated earnings tax on a consolidated basis. The regulations will affect affiliated groups of corporations filing consolidated income tax returns.

DATE: The regulations are effective for taxable years for which the due date (without extensions) for filing returns is after January 26, 1984.

FOR FURTHER INFORMATION CONTACT: Charles M. Whedbee of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue

Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention CC:LR:T (202-566-3487 not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On May 14, 1979, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954 (44 FR 28001). The amendments were proposed to provide rules for the application of the accumulated earnings tax on a consolidated basis. A public hearing was held on October 3, 1979. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

General Description

The purpose of the amendments is to provide rules for the application of the accumulated earnings tax imposed by section 531 of the Code on a consolidated basis.

Under the regulations, the consolidated accumulated earnings tax applies to any affiliated group of corporations making a consolidated income tax return that is formed or availed of to avoid or prevent the imposition of the individual income tax on the shareholders of any member of the group, or any other corporation, by failing to distribute earnings and profits.

If it is determined that the group is formed or availed of to avoid the individual income tax on shareholders, the tax imposed by section 531 is applied against the group's consolidated accumulated taxable income. This income is defined as the excess of consolidated taxable income for the taxable year (adjusted in the manner required by section 535 (b) of the Code) over the consolidated dividends paid deduction and the consolidated accumulated earnings credit.

Reconsideration of Certain Rules

Under the notice of proposed rulemaking published on May 14, 1979, special rules would apply if the personal holding company tax is computed on a member-by-member basis under section 542(b) (2) or (3) of the Code. Certain of these rules have been reconsidered. These are the rules relating to the treatment of intercompany dividends and distributions when a personal holding company is a member, the accumulated earnings credit, and the presumption of the proscribed purpose when earnings and profits are allowed to accumulate beyond the reasonable

business needs. The Internal Revenue Service expects to publish a new notice of proposed rulemaking on these subjects. Accordingly, portions of the regulations adopted by this document are reserved for rules on these subjects.

Discussion of Comments Received

Several comments related to the proper treatment of intercompany dividends and distributions when a personal holding company is a member. These comments will be considered in connection with the new notice of proposed rulemaking.

The only other comment related to taxable years before 1976. On July 9, 1968, there was published in the *Federal Register* (33 FR 9830) a notice of proposed rulemaking containing proposed amendments to the income tax regulations under section 1502 of the Code, relating in part to the determination of the accumulated earnings tax on a consolidated basis. The relevant portion of the 1968 proposed regulations was withdrawn on August 25, 1971 (36 FR 1661).

The regulations adopted by this document are substantially similar in many respects to the 1968 proposed regulations that related to the consolidated accumulated earnings tax and are effective for taxable years for which the due date (without extensions) for filing returns is after January 26, 1984. However, the regulations adopted by this document, when proposed in May, 1979, did not contain certain provisions in the 1968 proposed regulations that would have applied only to the determination of the consolidated accumulated earnings tax for taxable years beginning after July 9, 1968, and before January 1, 1976. These provisions provided in effect that liability for the accumulated earnings tax for these pre-1976 years should be computed on the basis of the separate accumulated taxable income of each member if the group did not elect under § 1.1502-33(c)(4)(iii) to adjust earnings and profits currently. Thus, under the 1968 proposed regulations, in the absence of such an election, the dividends paid deduction of each member would be computed under sections 561 and 562 without regard to consolidation.

The commentator argued that, in the absence of final regulations on the application of the accumulated earnings tax when consolidated returns were filed, the 1968 proposed regulations may have been taken into account in tax planning. Accordingly, the Internal Revenue Service should allow taxpayers to follow these provisions in the 1968 proposed regulations for transactions

which occurred prior to January 1, 1976 (or, alternatively, during the period July 9, 1968, to August 25, 1971, while the 1968 proposed regulations were outstanding).

The commentator's suggestion was not adopted. Section 1503(a) provides that, if a consolidated return is made, the tax is determined, computed, etc., in accordance with the regulations prescribed before the last day prescribed by law for filing the return. In accordance with section 1503(a), it is the general practice not to prescribe consolidated return regulations that apply rules to taxable years for which the return is due before the Treasury decision is prescribed. In this case, section 1503(a) requires that new consolidated return regulations not be prescribed for prior years.

Executive Order 12291 and Regulatory Flexibility Act

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Because the notice of proposed rulemaking for this regulation was filed with the Office of the Federal Register on May 11, 1979, no regulatory flexibility analysis is required.

Drafting Information

The principal author of these regulations is Charles M. Whedbee of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects

26 CFR 1.531-1-1.565-5

Income taxes, Corporations, Tax avoidance, Holding companies, Accumulated earnings tax.

26 CFR 1.1501-1-1.1564-1

Income taxes, Controlled group of corporations, Consolidated returns.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

PART 1—[AMENDED]

Paragraph 1. The second sentence of § 1.531-1 is amended by removing "§ 1.1502-2(d)" and inserting in lieu thereof "§ 1.1502-43".

Par. 2. Paragraph (d) of § 1.1502-2 is revised to read as follows:

§ 1.1502-2 Computation of tax liability

(d) If paragraph (b) of this section does not apply, the tax imposed by section 531 on the consolidated accumulated taxable income (see § 1.1502-43);

Par. 3. Immediately after § 1.1502-42, add the following new section:

§ 1.1502-43 Consolidated accumulated earnings tax

(a) *Group subject to tax—(1) General rule.* For a group filing a consolidated return for the taxable year, the accumulated earnings tax under section 531 is imposed on consolidated accumulated taxable income (as defined in paragraph (b) of this section). This tax applies to any group that is formed or availed of to avoid or prevent the imposition of the individual income tax on the shareholders of either any of its members or any other corporation by permitting earnings and profits to accumulate instead of dividing or distributing them. Section 531 and this section do not apply to a group that is treated as a "personal holding company" under section 542(a)(1) as a result of the application of section 542(b)(1). Special rules are provided in this section for other groups which include one or more personal holding companies.

(2) *Evidence of purpose to avoid income tax.* (i) Under section 533(a), the fact that the group's earnings and profits are permitted to accumulate beyond the reasonable needs of its business is determinative of the purpose to avoid the income tax with respect to shareholders, unless the group by the preponderance of the evidence proves to the contrary.

(ii) The fact that a group is a mere holding or investment group is prima facie evidence of the group's purpose to avoid the income tax with respect to the shareholders. The activities of a member which is a personal holding company are not taken into account in determining if the group is a mere holding or investment group.

(3) *Earnings and profits.* For purposes of this paragraph (a) and paragraph (d) of this section, the following rules apply:

(i) If no member of the group is a personal holding company, the group's earnings and profits are the aggregate of the earnings and profits (or deficit) of each corporation that is a member at the close of the taxable year, determined in accordance with § 1.1502-33.

(ii) Earnings and profits resulting from the application of § 1.1502-33(c)(4)(ii) are not taken into account.

(iii) Earnings and profits resulting from the disposition of a member's stock are determined under § 1.1502-33(c)(4)(i)(b) whether or not it otherwise applies.

(4) *Reasonable needs of the business.* The reasonable needs of the group's business include the reasonable needs of the business of any corporation (other than a personal holding company) that is a member at the close of the taxable year. Thus, the earnings and profits of one member may be accumulated with respect to the reasonable business needs of another member. If under § 1.537-3(b) the business of a nonmember corporation is considered the business of a member, then the earnings and profits of any member may be accumulated with respect to such nonmember's reasonable business needs.

(5) *Burden of proof.* The notification described in section 534(b) and the statement described in section 534(c) are made to or by the common parent corporation in accordance with § 1.1502-77.

(b) *Consolidated accumulated taxable income—(1) In general.* "Consolidated accumulated taxable income" is the group's consolidated taxable income determined under § 1.1502-11 adjusted in the manner provided in paragraph (b)(2) of this section, minus the sum of—

(i) The consolidated dividends paid deduction determined under paragraph (c) of this section and

(ii) The consolidated accumulated earnings credit determined under paragraph (d) of this section.

(2) *Adjustments to consolidated taxable income.* For purposes of paragraph (b)(1) of this section, consolidated taxable income is adjusted as follows:

(i) Under section 535(b)(1), the deduction for taxes is the excess of—

(A) The consolidated liability for tax determined without § 1.1502-2 (b) through (d) and without the foreign tax credit provided by section 33, over

(B) The consolidated foreign tax credit determined pursuant to § 1.1502-4. Foreign taxes deductible under § 1.535-2(a)(2) are also allowed as a deduction under section 535(b)(1).

(ii) The consolidated charitable contributions deduction under § 1.1502-24 does not apply. Under section 535(b)(2), there shall be allowed the aggregate charitable contributions of the members allowable under section 170, determined without section 170 (b)(2) and (d)(2).

(iii) Under section 535(b)(3), the deductions provided in §§ 1.1502-26 and 1.1502-27 are not allowed.

(iv) Under section 535(b)(4), the consolidated net operating loss deduction described in § 1.1502-21(a) is not allowed.

(v) Under section 535(b)(5), there is allowed as a deduction the consolidated net capital loss, determined under § 1.1502-22(a).

(vi) Under section 535(b)(6), there is allowed as a deduction an amount equal to (A) the excess of the consolidated net long-term capital gain (determined under § 1.1502-41(a)) over the consolidated net short-term capital loss (determined under § 1.1502-41(b)), minus (B) the taxes attributable to this excess. This consolidated net short-term capital loss is determined without the consolidated net capital loss carryovers or carrybacks to the taxable year.

(vii) Under section 535(b)(7), the consolidated net capital loss carryovers and carrybacks are not allowed. See § 1.1502-22(b).

(viii) Section 1.1502-15 (built-in deductions) does not apply.

(3) *Personal holding company a member.* If a member is a personal holding company for the taxable year—

(i) [Reserved]

(ii) In applying paragraph (b)(2)(i) of this section, consolidated liability for tax (as determined under that paragraph (b)(2)(i)) is reduced by the portion thereof allocable to that member under section 1552(a) (1), (2), (3), or (4) (or § 1.1502-33(d)), whichever is applicable. The consolidated foreign tax credit is computed by excluding the taxable income and any foreign taxes paid or accrued by that member, and foreign taxes deductible under § 1.535-2(a)(2) do not include foreign taxes attributable to that member.

(c) *Consolidated dividends paid deduction—(1) General rule.* For purposes of this section, the consolidated dividends paid deduction is the aggregate of the members' deductions under section 561(a) (1) and (2). This deduction is determined by excluding deductions for dividends paid to other members.

(2) *Exception for certain personal holding companies.* [Reserved]

(3) *Dividends paid defined.* For purposes of this paragraph (c), "dividends paid" and "dividend (or portion thereof) paid" include amounts treated as dividends paid during the taxable year under sections 562(b)(1), 563, and 565 (relating respectively to liquidating distributions, dividends paid after year end, and consent dividends).

(4) *Examples.* This paragraph (c) can be illustrated by the following examples:

Example (1). Corporations P and S constitute an affiliated group which files a consolidated return on a calendar year basis for 1984 and 1985. P owns all of S's stock and two individuals own all of P's stock. Neither member of the group is a personal holding company for 1984. Assume that on December 15, 1984, S pays a dividend (as defined in section 316 (a)) of \$2,000 to P, and P pays a dividend (as so defined) of \$3,000 on January 15, 1985, to its individual shareholders. All dividends are paid in cash and are pro rata with no preference as to any shares or class of stock. For purposes of this paragraph (c), the consolidated dividends paid deduction for 1984 is \$3,000, i.e., the dividend paid on January 15, 1985, by P to its nonmember shareholders. See section 563 (a). The \$2,000 dividend paid by S to P is not taken into account in computing the consolidated dividends paid deduction.

Example (2)—[Reserved].

(d) *Consolidated accumulated earnings credit—[Reserved].*

(This Treasury decision is issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 637, 917; 26 U.S.C. 1502, 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: January 9, 1984.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 84-2397 Filed 1-26-84; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 23; AD-FRL 2515-2]

Approval and Promulgation of Implementation Plans; Revision to the State of New Jersey Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) is approving a request from New Jersey to revise its State Implementation Plan (SIP) to include revisions that the State has made to three of its regulations which control air pollution from stationary sources. The State made these changes, which are considered minor, in order to make these regulations clearer and consistent with other State regulations.

EFFECTIVE DATE: This action will be effective on March 27, 1984 unless notice is received within 30 days of today that someone wishes to submit adverse or critical comments.

ADDRESSES: All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the State's submittal are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

New Jersey Department of Environmental Protection, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625

Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 1005, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION:

A. Background

Only July 11, 1983, the State of New Jersey submitted to the Environmental Protection Agency (EPA) a proposed revision to the New Jersey State Implementation Plan (SIP). The State's submittal consisted of the following three revised State regulations which are contained in Title 7, Chapter 27 of the New Jersey Administrative Code (NJAC):

- Subchapter 3—"Control and Prohibition of Smoke from Combustion of Fuel," dated October 12, 1977,
 - Subchapter 4—"Control and Prohibition of Particles from Combustion of Fuel," dated October 12, 1977, and
 - Subchapter 5—"Prohibition of Air Pollution," dated October 12, 1977.
- The State's submittal also included an "Order of Adoption" signed by the Commissioner of the New Jersey Department of Environmental Protection, a "Report of the Public Hearing" and the "Basis for the Proposed Amendments."

New Jersey held public hearings on these revisions on September 29 and 30, 1976 and they became effective on October 12, 1977, however, they inadvertently were not submitted to EPA at that time for inclusion in the New Jersey SIP. Nevertheless, they have been implemented by the State since

that date and do not represent new requirements. The revisions to these three regulations change the regulatory part of the New Jersey SIP which had been approved previously by EPA on May 31, 1972 (37 FR 10880).

B. Regulatory Revisions

1. Subchapter 3—Control and Prohibition of Smoke from Combustion of Fuel

The following changes to Subchapter 3 were made:

- In the "Definitions" section of the regulation, the definition of "smoke" has been modified to include the term "visible condensed" before "water vapor." Elsewhere in this regulation where the term "water vapor" is used it is also modified to include the term "visible condensed."

- The definition of "stack or chimney" has been modified to include the phrase "and/or utilized" after "constructed."

- The section on "Smoke Emissions From Stationary Indirect Heat Exchanges" has been modified to prohibit all indirect heat exchangers from emitting visible smoke, except as provided for in § 3.2(b). Section 3.2(b) allows indirect heat exchangers to emit up to 20 percent opacity if they have an hourly capacity of 200 million British Thermal Units (BTU) or greater gross heat input and they discharge through a stack or chimney with an internal cross-sectional dimension greater than 60 inches.

2. Subchapter 4—Control and Prohibition of Solid Particles from Combustion of Fuel

The following changes to Subchapter 4 were made:

- The title of Subchapter 4 has been modified by deleting the word "solid" as a modifier of "particles." This deletion has also been made wherever the word "particles" appears in the Subchapter.

- A definition for "direct heat exchanger" has been added to Section 4.1, "Definitions," and Section 4.6, "Exceptions," has been clarified to indicate that direct heat exchangers are not controlled by Subchapter 4.

- The definition of "particles" has been modified by eliminating the phrase "in a finely divided form."

- The definition of "stack or chimney" has been modified to include the phrase "and/or utilized" after "constructed."

- Section 4.3, "Performance Test Principle," has been modified to indicate that measured emission weight is to be determined using sampling and analytical procedures adopted by the State.

3. Subchapter 5—Prohibition of Air Pollution

The following changes to Subchapter 5 were made:

- A definition for "air pollution" has been added.

- Section 5.2, "General Provisions," has been modified to cover all sources regardless of whether they are also affected by other State regulations.

C. Findings

Since May 31, 1972, when the original regulations were incorporated into the SIP, minor changes have occurred in the use of some technical terms contained in the regulations and minor points of confusion have arisen in the use of the regulations. In addition, test procedures for determining compliance with the regulations have been updated to reflect current practices by professionals.

Some of the revisions that the State made to its regulations update definitions and terms to current usage. These revisions are consistent with EPA guidance and policy. Other changes clarify points of confusion, and do not reflect new requirements. These changes are also consistent with EPA guidance and policy. New Jersey also made other minor changes to these regulations which made them consistent with the terms and requirements used in other regulations which are currently in the New Jersey SIP. These changes generally improve the clarity of the regulations and make the regulations consistent with current terminology.

Based on its review of the State's SIP revision request, EPA finds that the changes to Subchapters 3, 4, and 5 are acceptable and, therefore, EPA is approving the State's revision request.

This notice is issued as required by section 110 of the Clean Air Act, as amended. The Administrator's decision regarding approval of this proposed SIP revision was based on its meeting the requirements of section 110 of the Clean Air Act and 40 CFR 51.

EPA is approving this SIP revision request without prior proposal because it is viewed as noncontroversial and no adverse comments are anticipated. The public should be advised that this action will be effective 60 days from today's date. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of the Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the U.S. Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under 5 U.S.C. 605(b), I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 48 FR 8709.)

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: January 23, 1984.

William D. Ruckelshaus,
Administrator, Environmental Protection Agency.

(Section 110, 172, and 301, Clean Air Act, as amended (42 U.S.C.) 7410, 7502, and 7601)

Note.—Incorporation by reference of the Implementation Plan for the State of New Jersey was approved by the Director of the Federal Register on July 1, 1982.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

Subpart FF—New Jersey

1. Section 52.1570 is amended by adding new paragraph (c)(35) as follows:

§ 52.1570 Identification of plan.

(c) The plan revision listed below was submitted on the date specified.

(35) A supplementary submittal dated July 11, 1983, from the Department of Environmental Protection consisting of adopted revisions to: Subchapter 3—"Control and Prohibition of Smoke from Combustion of Fuel," dated October 12, 1977, Subchapter 4—"Control and Prohibition of Particles from Combustion of Fuel," dated October 12, 1977, and Subchapter 5—"Prohibition of Air Pollution," dated October 12, 1977, of Title 7, Chapter 27 of the New Jersey Administrative Code; the proposed Regulatory Amendments; the Report of

the Public Hearing; and the Order of Adoption.

2. Section 52.1605 is amended by revising the entries for subchapter 3, 4, and 5 in the table as follows:

§ 52.1605 EPA-Approved New Jersey regulations.

State regulation	State effective date	EPA approved date	Comments
Subchapter 3, "Control and Prohibition of Smoke from Combustion of Fuel."	10/12/77	Date & Citation of this notice.	
Subchapter 4, "Control and Prohibition of Particles from Combustion of Fuel."	10/12/77do.....	
Subchapter 5, "Prohibition of Air Pollution."	10/12/77do.....	

[FR Doc. 84-2316 Filed 1-26-84; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-47

[FPMR Amdt. H-146]

Public Benefit Disposals

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation describes procedures for the assignment and for the transfer of surplus Federal real property for public benefit purposes. This revision is necessary to clarify these procedures.

EFFECTIVE DATE: January 27, 1984.

FOR FURTHER INFORMATION CONTACT: James H. Pitts, Office of Real Property (202)-535-7067.

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in cost to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Current regulations prescribing procedures for the assignment and for the transfer of surplus Federal real property for educational or public health purposes contain references to the former Department of Health, Education, and Welfare (HEW). The reorganization of HEW into the Department of Education and the Department of Health and Human Services necessitates a revision of the regulations. Also, the amendment changes procedures for the assignment and for the transfer of surplus real property for public park and recreational purposes.

List of Subjects in 41 CFR Part 101-47

Surplus government property and government property management.

PART 101-47—[AMENDED]

Accordingly, 41 CFR Part 101-47 is amended as follows:

Subpart 101-47.3—Utilization and Disposal of Real Property

1. Section 101-47.308-4 is revised to read as follows:

§ 101-47.308-4 Property for educational and public health purposes.

(a) The head of the disposal agency or his designee is authorized, at his discretion: (1) To assign to the Secretary of the Department of Education (ED) for disposal under section 203(k)(1) of the Act such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary as being needed for school, classroom, or other educational use, or (2) to assign to the Secretary of Health and Human Services (HHS) for disposal under section 203(k)(1) of the Act such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary as being needed for use in the protection of public health, including research.

(b) With respect to real property and related personal property which may be made available for assignment to ED or HHS for disposal under section 203(k)(1) of the Act for educational or public health purposes, the disposal agency shall notify eligible public agencies, in accordance with the provisions of § 101-47.303-2, that such property has been determined to be surplus. Such notice to eligible public agencies shall state that any planning for an educational or public health use, involved in the development of the comprehensive and coordinated plan of use and procurement for the property, must be coordinated with ED or HHS, as

appropriate, and that an application form for such use of the property and instructions for the preparation and submission of an application may be obtained from ED or HHS. The requirement for educational or public health use of the property by an eligible public agency will be contingent upon the disposal agency's approval under (i), below, of a recommendation for assignment of Federal surplus real property received from ED or HHS and any subsequent transfer shall be subject to the disapproval of the head of the disposal agency as stipulated under section 203(k)(1) (A) or (B) of the Act and referenced in (j) below.

(c) With respect to surplus real property and related personal property which may be made available for assignment to either Secretary for disposal under section 203(k)(1) of the Act for educational or public health purposes to nonprofit institutions which have been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)), ED or HHS may notify eligible nonprofit institutions, in accordance with the provisions of § 101-47.303-2(e), that such property has been determined to be surplus. Any such notice to eligible nonprofit institutions shall state that any requirement for educational or public health use of the property should be coordinated with the public agency declaring to the disposal agency an intent to develop and submit a comprehensive and coordinated plan of use and procurement for the property. The requirement for educational or public health use of the property by an eligible nonprofit institution will be contingent upon the disposal agency's approval, under (i) below, of an assignment recommendation received from ED or HHS and any subsequent transfer shall be subject to the disapproval of the head of the disposal agency as stipulated under section 203(k)(1) (A) or (B) of the Act and referenced in (j) below.

(d) ED and HHS shall notify the disposal agency within 20-calendar days after the date of the notice of determination of surplus if it has an eligible applicant interested in acquiring the property. Whenever ED or HHS has notified the disposal agency within the said 20-calendar day period of a potential educational or public health requirement for the property, ED or HHS shall submit to the disposal agency within 25-calendar days after the expiration of the 20-calendar day period, a recommendation for assignment of the property, or shall inform the disposal agency, within the 25-calendar day

period, that a recommendation will not be made for assignment of the property.

(e) Whenever an eligible public agency has submitted a plan of use for property for an educational or public health requirement, in accordance with the provisions of § 101-47.303-2, the disposal agency shall transmit two copies of the plan to the regional office of ED or HHS as appropriate. ED or HHS shall submit to the disposal agency, within 25-calendar days after the date the plan is transmitted, a recommendation for assignment of the property to the Secretary of ED or HHS, or shall inform the disposal agency, within the 25-calendar day period, that a recommendation will not be made for assignment of the property to ED or HHS as appropriate.

(f) Any assignment recommendation submitted to the disposal agency by ED or HHS shall set forth complete information concerning the educational or public health use, including: (1) Identification of the property, (2) the name of the applicant and the size and nature of its program, (3) the specific use planned, (4) the intended public benefit allowance, (5) the estimate of the value upon which such proposed allowance is based, and, (6) if the acreage or value of the property exceeds the standards established by the Secretary, an explanation therefor. ED or HHS shall furnish to the holding agency a copy of the recommendation, unless the holding agency is also the disposal agency.

(g) Holding agencies shall cooperate to the fullest extent possible with representatives of ED or HHS in their inspection of such property and in furnishing information relating thereto.

(h) In the absence of an assignment recommendation from ED or HHS submitted pursuant to § 101-47.308-4 (d) or (e), and received within the 25-calendar day time limit specified therein, the disposal agency shall proceed with other disposal action.

(i) If, after considering other uses for the property, the disposal agency approves the assignment recommendation from ED or HHS, it shall assign the property by letter or other document to the Secretary of ED or HHS as appropriate. If the recommendation is disapproved, the disposal agency shall likewise notify the appropriate Department. The disposal agency shall furnish to the holding agency a copy of the assignment, unless the holding agency is also the disposal agency.

(j) Subsequent to the receipt of the disposal agency's letter of assignment, ED or HHS shall furnish to the disposal agency a Notice of Proposed Transfer in

accordance with section 203(k)(1) (A) or (B) of the Act. If the disposal agency has not disapproved the proposed transfer within 30-calendar days of the receipt of the Notice of Proposed Transfer, ED or HHS may proceed with the transfer.

(k) ED or HHS shall furnish the Notice of Proposed Transfer within 35-calendar days after the disposal agency's letter of assignment and shall prepare the transfer documents and take all necessary actions to accomplish the transfer within 15-calendar days after the expiration of the 30-calendar day period provided for the disposal agency to consider the notice. ED or HHS shall furnish the disposal agency two conformed copies of deeds, leases or other instruments conveying the property under section 203(k)(1) (A) or (B) of the Act and all related documents containing restrictions or conditions regulating the future use, maintenance or transfer of the property.

(l) ED or HHS, as appropriate, has the responsibility for enforcing compliance with the terms and conditions of transfer; for the reformation, correction, or amendment of any transfer instrument; for the granting of releases; and for the taking of any necessary actions for recapturing such property in accordance with the provisions of section 203(k)(4) of the Act. Any such action shall be subject to the disapproval of the head of the disposal agency. Notice to the head of the disposal agency by ED or HHS of any action proposed to be taken shall identify the property affected, set forth in detail the proposed action, and state the reasons therefor.

(m) In each case of repossession under a terminated lease or reversion of title by reason of noncompliance with the terms or conditions of sale or other cause, ED or HHS shall, at or prior to such repossession or reversion of title, provide the appropriate GSA regional office with an accurate description of the real and related personal property involved. Standard Form 118, Report of Excess Real Property, and the appropriate schedules shall be used for this purpose. Upon receipt of advice from ED or HHS that such property has been repossessed or title has reverted, GSA will assume custody of and accountability for the property. However, the grantee shall be required to provide protection and maintenance for the property until such time as the title reverts to the Federal Government, including the period of any notice of intent to revert. Such protection and maintenance shall, at a minimum, conform to the standards prescribed in § 101-47.4913.

2. Section 101-47.308-7 is amended by revising paragraphs (i) through (p) and adding paragraph (q) to read as follows:

§ 101-47.308-7 Property for use as public park and recreation areas.

(i) If, after considering other uses for the property, the disposal agency approves the assignment recommendation from the Department of the Interior, it shall assign the property by letter or other document to the Secretary of the Interior. If the recommendation is disapproved, the disposal agency shall likewise notify the Secretary. The disposal agency shall furnish to the holding agency a copy of the assignment, unless the holding agency is also the disposal agency.

(j) Subsequent to the receipt of the disposal agency's letter of assignment, the Secretary of the Interior shall furnish to the disposal agency a Notice of Proposed Transfer, in accordance with section 203(k)(2)(A) of the Act. If the disposal agency has not disapproved the proposed transfer within 30-calendar days of the receipt of the Notice of Proposed Transfer, the Secretary may proceed with the transfer.

(k) The disposal agency may, where appropriate, make the assignment subject to the Department of the Interior requiring the applicant to bear the cost of any out-of-pocket expenses necessary to accomplish the transfer of the property, such as surveys, fencing, security of the remaining property or otherwise.

(l) In the absence of the notice of disapproval by the disposal agency upon expiration of the 30-day period, or upon earlier advice from the disposal agency of no objection to the proposed transfer, the Department of the Interior may place the applicant in possession of the property as soon as practicable in order to minimize the Government's expense of protection and maintenance of the property. As of the date of assumption of possession of the property, or the date of conveyance, whichever occurs first, the applicant shall assume responsibility for care and handling and all risks of loss or damage to the property, and shall have all obligations and liabilities of ownership.

(m) The Department of the Interior shall furnish the Notice of Proposed Transfer within 35-calendar days after the disposal agency's letter of assignment and shall take all necessary actions to accomplish the transfer within 15-calendar days after the expiration of the 30-calendar day period

provided for the disposal agency to consider the notice.

(n) The deed of conveyance of any surplus real property transferred under the provision of section 202(k)(2) of the Act shall provide that all such property be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States and may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interest of the United States.

(o) The Department of the Interior shall furnish the disposal agency two conformed copies of deeds, leases, or other instruments conveying property under section 203(k)(2) of the Act and related documents containing reservations, restrictions, or conditions regulating the future use, maintenance or transfer of the property.

(p) The Secretary of the Interior has the responsibility for enforcing compliance with the terms and conditions of transfer; the reformation, correction, or amendment of any transfer instrument; the granting of releases; and any necessary actions for recapturing such property in accordance with the provisions of section 202(k)(4) of the Act. Any such action shall be subject to the disapproval of the head of the disposal agency. Notice to the head of the disposal agency by the Secretary of any action proposed to be taken shall identify the property affected, set forth in detail the proposed action, and state the reasons therefor.

(q) The Department of the Interior shall notify the appropriate GSA regional office immediately by letter when title to property transferred for use as a public park or recreation area is to be reverted in the United States for noncompliance with the terms or conditions of disposal or for other cause. The notification shall cite the legal and administrative actions that the Department must take to obtain full title and possession of the property. In addition, it shall include an adequate description of the property, including any improvements constructed thereon since the original conveyance to the grantee. Upon receipt of a statement from the Department that title to the property has reverted, GSA will assume custody of and accountability for the property. However, the grantee shall be

required to provide protection and maintenance for the property until such time as the title reverts to the Federal Government, including the period of any notice of intent to revert. Such protection and maintenance shall, at a minimum, conform to the standards prescribed in § 101-47.4913.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: December 19, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 84-2286 Filed 1-26-84; 8:45 am]

BILLING CODE 6820-96-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6343]

Final Flood Elevation Determinations; Indiana; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; correction.

SUMMARY: This document corrects a Notice of Final Determinations of modified base (100-year) flood elevations for selected locations in the City of Jeffersonville, Clark County, Indiana, previously published at 48 FR 4288 on January 31, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Washington, D.C. 20472; (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Final Determinations of modified base (100-year) flood elevations for selected locations in the City of Jeffersonville, Clark County, Indiana, previously published at 48 FR 4288 on January 31, 1983, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67).

The effective date of the modified Flood Insurance Rate Map read February 18, 1982; it should read February 18, 1983.

The listing appears correctly as follows:

State and county	Location	Date and name of newspaper where notice was published	Chief Executive Officer of community	Effective date of modification	Community No.
Indiana: Clark	City of Jeffersonville	<i>The Evening News</i> July 2, 1982 and July 9, 1982.	Hon. Richard Vissing, Mayor, City of Jeffersonville, City-County Building, Suite 404, 500 East Court Avenue, Jeffersonville, Indiana 47130.	Feb. 18, 1983	180027C

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; E. O. 12127, 44 FR 19367; and delegation of authority to the Administrator)

Issued: January 11, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-2275 Filed 1-26-84; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 179

[Docket No. HM-175; Amdt. Nos. 173-173, 179-35]

Specifications for Railroad Tank Cars Used To Transport Hazardous Materials

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment makes changes in the construction and maintenance standards for railroad tank cars used to transport hazardous materials. References to various specification tank cars are to DOT specifications. The changes are as follows:

(1) After December 31, 1986, specification 105 tank cars built before September 1, 1981, that have a capacity exceeding 18,500 U.S. gallons and are carrying a flammable gas, anhydrous ammonia, or ethylene oxide must be equipped with lower half tank head protection (such as a head shield);

(2) After December 31, 1986, specification 105 tank cars built before September 1, 1981, that have a capacity exceeding 18,500 U.S. gallons and are carrying a flammable gas or ethylene oxide must be equipped with either: (a) High temperature thermal insulation (800° material) and safety relief valves sized according to the requirements for specification 112 and 114 tank cars, or (b) high temperature thermal insulation (550° material) and currently installed safety relief valves; and

(3) After December 31, 1986, specification 111 tank cars that have a capacity exceeding 18,500 U.S. gallons and are carrying a flammable gas or ethylene oxide must be equipped with lower half tank head protection and either (a) high temperature thermal insulation (800° material) and safety relief valves sized according to the requirements for specification 112 and 114 tank cars, or (b) high temperature thermal insulation (550° material) and currently installed safety valves.

The rule requires that all large capacity specification 105 and 111 tank cars used to transport specifically identified hazardous materials must be equipped with the same tank head and thermal safety systems that are required on newly built specification 105 tank cars and on all specification 112 and 114 tank cars used to transport those same hazardous materials.

This action is being taken to increase the safety of transportation by rail of hazardous materials.

EFFECTIVE DATE: March 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Olekszyk, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, (202) 426-0897.

SUPPLEMENTARY INFORMATION: In the early 1970's DOT commenced its review of specifications for pressure tank cars. There were a number of serious railroad accidents involving rail transportation of flammable compressed gases, toxic compressed gases, and other hazardous materials. Most of these accidents involved uninsulated pressure tank cars of large capacity (over 18,500 U.S. gallons) built to specifications 112 and 114.

Since the specification 112 and 114 tank car shipments of hazardous material were determined to present a more serious threat to public safety, MTB and the Federal Railroad Administration (FRA) assigned first priority to improving the construction standards applicable to those cars. It was further decided that after these specification 112 and 114 tank cars had been structurally upgraded, the MTB and FRA would consider a revision of the standards applicable to the specification 105 tank cars.

Accordingly, on September 15, 1977, MTB published a final rule in Docket HM-144 (42 FR 46306). In summary, the rule requires that:

(1) Existing and newly built specification 112 and 114 tank cars used to transport flammable gases such as propane, vinyl chloride, and butane have both thermal protection (large capacity safety relief valves and high temperature thermal insulation) and tank head protection (such as a head shield);

(2) Existing and newly built specification 112 and 114 tank cars used to transport anhydrous ammonia have tank head protection; and

(3) All specification 112 and 114 tank cars be equipped with special couplers designed to resist coupler vertical disengagement (shelf couplers).

After the upgrading of specification 112 and 114 tank cars was substantially completed, MTB initiated rulemaking for specification 105 tank cars. On January 26, 1981, MTB published a final rule in Docket HM-174 (46 FR 8005) affecting new construction of specification 105 tank cars. The rule requires that:

(1) Specification 105 tank cars built before March 1, 1981, be retrofitted over a one-year period ending on February 28, 1982, with a coupler vertical restraint system equivalent to that required on specification 112 and 114 tank cars;

(2) After February 28, 1981, all other specification tank cars be equipped with a coupler vertical restraint system equivalent to that required on specification 112 and 114 tank cars;

(3) After February 28, 1981, newly built specification 105 tank cars be equipped with a coupler vertical restraint system equivalent to that required on specification 112 and 114 tank cars;

(4) After August 31, 1981, newly built specification 105 tank cars transporting flammable gases, anhydrous ammonia, and ethylene oxide be equipped with a tank head puncture resistance system equivalent to that required on certain specification 112 and 114 tank cars (S, T, and J cars);

(5) After August 31, 1981, newly built specification 105 tank cars transporting flammable gases and ethylene oxide be equipped with high temperature thermal insulation equivalent to that required on certain specification 112 and 114 tank cars (T and J cars); and

(6) After August 31, 1981, newly built specification 105 tank cars transporting flammable gases and ethylene oxide be

equipped with safety relief valves sized according to the requirements for specification 112 and 114 tank cars.

On July 21, 1980, the same day the notice of proposed rulemaking in Docket HM-174 (45 FR 48671) was issued, MTB also issued an advance notice of proposed rulemaking (ANPRM) in Docket HM-175 (45 FR 48668). That notice sought additional information to allow an evaluation of the need, means, and cost to extend the specified puncture and thermal protection levels of specification 112 and 114 tank cars to:

(1) Existing specification 105 tank cars used to transport the same hazardous materials permitted in specification 112 and 114 tank cars;

(2) Existing specification 105 tank cars used to transport other hazardous materials such as ethylene oxide, butadiene, poisons, and combustible and flammable liquids or solids; and

(3) All other new and existing specification tank cars used to transport the same hazardous materials permitted in specification 105 tank cars, *e.g.*, specification 111 tank cars.

After analyzing the comments received in response to the ANPRM and comprehensively evaluating the costs and benefits of a variety of potential regulatory options, MTB issued a notice of proposed rulemaking (NPRM) in HM-175 on April 14, 1983 (48 FR 16188). The NPRM, which is substantially the same as the final rule, proposed the following requirements:

(1) After December 31, 1986, specification 105 tank cars built before September 1, 1981, that have a capacity exceeding 18,500 U.S. gallons and are carrying a flammable gas, anhydrous ammonia, or ethylene oxide would have to be equipped with lower half tank head protection (such as a head shield);

(2) After December 31, 1986, specification 105 tank cars built before September 1, 1981, that have a capacity exceeding 18,500 U.S. gallons and are carrying a flammable gas or ethylene oxide would have to be equipped with:

(a) High temperature thermal insulation; and

(b) Safety relief valves sized according to the requirements for specification 112 and 114 tank cars; and

(3) After December 31, 1986, specification 111 tank cars that have a capacity exceeding 18,500 U.S. gallons and are carrying flammable gas or ethylene oxide would have to be equipped with: (a) Lower half tank head protection; (b) high temperature thermal insulation; and (c) safety relief valves sized according to the requirements for specification 112 and 114 tank cars.

A total of 25 comments in response to the NPRM were received, representing a

diverse group of interested persons. The commenters include the Association of American Railroads (AAR), major chemical and petroleum companies, tank car leasing companies, manufacturers of high temperature insulating materials, shippers, several fire chiefs and one state association of fire chiefs, numerous trade associations of shippers, tank car owners, and the National Transportation Safety Board (NTSB).

A number of commenters generally endorsed the proposed rule since it would increase the level of safety in the transportation of the affected hazardous materials. One such commenter, NTSB, urged that consideration be given to further rulemaking to address other hazardous materials and the smaller capacity specification 105 tank cars (under 18,500 U.S. gallons) transporting liquified flammable gases (LFG), anhydrous ammonia, and ethylene oxide. In that regard, FRA and MTB will continue to evaluate the need for new rules which exceed the current requirement that all tank cars transporting a hazardous material, after March 1, 1985, be equipped with shelf couplers. As indicated in the preamble to the notice of proposed rulemaking in this docket, retrofitting the smaller capacity specification 105 tank cars does not appear to be justified on a benefit/cost basis.

Several commenters, including the AAR and a major ethylene oxide shipper/tank car owner, supported the proposed tank head and thermal insulation requirements, but opposed the requirement to retrofit with a large capacity safety relief valve.

A number of commenters opposed the proposed rule on the belief, without explanation, that the costs exceed the benefits. Other commenters who opposed the rule in whole or in part, or who believed that the rule is premature, more fully explained the basis of their objections. These objections also related generally to the cost/benefit issue, principally by challenging the accuracy of both the cost estimates (cost of retrofit and number of cars involved) and the benefit estimates (effectiveness rate, statistical base for accident frequency, and impact of prior rulemakings). No commenters disputed the technical feasibility of retrofitting tank cars with the safety systems proposed. Apart from a question about the need for a large capacity safety relief valve in addition to high temperature thermal insulation (800°F material in the simulation pool fire test), no commenters disputed the belief that tank head and thermal protection would

improve safety; some questioned how much improvement would be achieved.

Several commenters stated that FRA's \$12,000 cost estimate to retrofit a tank car is too low. They suggested a \$14,000 to \$15,000 range as reflecting the true current cost. FRA agrees that the \$12,000 cost in the economic impact analysis developed for the NPRM is lower than the current cost. That analysis which is comprehensive and detailed, was begun at the time of the 1980 ANPRM and uses 1980 dollars for both the costs and benefits. The final economic impact analysis includes an updating to 1983 dollars for both costs and benefits. In 1983 dollars, the cost of retrofitting a car is estimated to be approximately \$14,000. Adopting a conservative approach, the same inflation factor (Department of Labor's Consumer Price Index) was applied on the benefit side, even though many of the constituent parts of the benefit side were rising at a faster pace, *e.g.*, medical costs.

The result of the update is that the benefit/cost ratio remains the same and would still be highly favorable (1.42) even if a \$15,000 retrofit cost figure were used.

Some commenters felt that FRA had not adequately considered the cost of valve changes in its estimation of retrofit costs. FRA is not convinced that its earlier cost estimate is too low. However, under the final rule appropriate thermal protection may be achieved either by a given level of insulation and the larger safety valve or by a greater level of insulation without any changes to the existing valve. In its initial analysis (Economic Impact Analysis of the Retrofit of 105 and 111 Tank Cars Carrying Hazardous Materials, Exhibits FRA-10,300, FRA-10,310) FRA showed that the cost of the two options is the same. According to the figures used in that study, which represent costs in 1980 dollars, it would cost \$6,000 to provide the required level of thermal protection. If the larger valve is installed, the valve cost per car is \$1,000 and the installation cost is \$5,000. If the smaller valve is not replaced, \$6,000 worth of insulation must be installed. In the proposed rule, the option was limited to those cars with a manway less than 18 inches in diameter. The extra insulation option, therefore, was not available for most of the cars to be retrofitted. This limitation is not in the final rule.

Several of the commenters believe that FRA's estimate of retrofit costs is too low. This is based on the commenters' estimates of the number of cars required to be retrofitted. However, these commenters did not provide FRA

with details as to the source of their information or the methods by which they calculated their estimates. FRA can only reiterate the methodology it employed in arriving at the estimate of 3,026 cars requiring retrofit.

FRA based its estimates on two tank car studies—"Characteristics of 103, 104 and 111 tank Cars," Arthur D. Little, Incorporated, 1981, and "Tank Car Study, Task 9—Additional Data Analysis," Dynatrend Incorporated, 1981. The starting point was the 21,378 type 105 and 111 cars identified in the Dynatrend study as being involved in the transportation of the subject hazardous materials. FRA then excluded those cars with a capacity under 18,500 U.S. gallons (15,688 cars). Of the remaining 5,690 cars, 2,618 were found to have adequate safety features, leaving 3,072 cars which would require the retrofit. Forty-six of these cars were judged to have a value too low to justify the cost of the retrofit, and were therefore assumed to be retired or placed in other service. (The cost of purchasing new cars to replace those to be retired is included in the total cost estimate of the retrofit program.)

Several opponents of the proposed rule thought FRA and MTB gave inadequate consideration in its estimation of the benefits to be derived from the additional safeguards to the protection afforded by the double shelf couplers. We do not agree. In preparing its estimation of the incidents/accidents which could be prevented by the proposed requirements, FRA reduced the expected benefits to eliminate those benefits attributable to double shelf couplers. In other words, the estimated HM-175 benefits are in addition to the benefits expected from the couplers.

According to a study by the AAR (Phase 02 Report on Effectiveness of Shelf Couplers, Head Shields and Thermal Shields, Supplement AAR R-482, August 20, 1981), the HM-144 retrofit of Class 112 (114) tank cars with double shelf couplers, head shields, and thermal protection has proven to be approximately 95 percent effective in preventing head punctures and ruptures due to fire. Since the HM-144 retrofit for 112/114 cars is very similar to the proposed retrofit for 105/111 cars, this effectiveness rate could have been used in our HM-175 analysis if double shelf couplers had not already been installed on 105 and 111 cars. FRA believes 80 percent to be a reasonable estimate of effectiveness for thermal head protection beyond that protection provided by the couplers. This effectiveness rate would have to drop to 51.5 percent before there would be a

break-even benefit/cost ratio, even ignoring the chances of a catastrophic event.

Indeed, the estimate of benefits does not include the possibility that a major catastrophic event may be prevented, even though at least one catastrophic accident involving a 105/111 car carrying hazardous materials would be likely in the absence of the HM-175 requirements. Had the analysis included the likelihood of a catastrophic accident, the benefit/cost ratios of all alternatives would have increased substantially. This is especially so in light of the fact that HM-175 deals with the larger (over 18,500 U.S. gallon) tank cars which, because of both size and rate of utilization, would be most likely to be involved in a catastrophic event.

Several commenters recommended that this rule be postponed to permit further testing and evaluation of the performance of existing specification 105 tank cars in accident situations. MTB and FRA do not concur with this recommendation. Since 1970, FRA has sponsored an extensive research program on the performance of flammable gas tank cars in simulated accident situations. The Railway Progress Institute (RPI) and the AAR have also sponsored their own research program on flammable gas tank cars, and FRA, the RPI, and the AAR have collaborated on many projects.

Most of the tests in these programs utilized specification 112/114 tank cars. However, because of the similarities between flammable gas specification 112/114 cars and flammable gas specification 105 cars, FRA does not believe that the results would have been significantly different.

FRA did conduct fire simulation tests of representative insulation systems used in existing specification 105 tank cars and concluded that, while these systems provide more protection than is present on uninsulated specification 112/114 cars, the protection is much less than now required by 49 CFR 179.105-4 for specification 112/114 tank cars. Section 179.105-4 requires that a thermal shield provide sufficient protection so that the back face temperature of a test plate not exceed 800°F in a 100 minute pool fire simulation. By contrast, most of the existing insulation systems on specification 105 cars reached 800° in only 20-40 minutes of testing. While the time period is longer than for the uninsulated 112 and 114 tank cars prior to being retrofitted, the difference is not considered significant enough to reduce the benefits expected from a high temperature thermal retrofit of specification 105 tank cars.

Instead of repeating its past testing program on flammable gas tank cars to address specification 105 tank cars, FRA plans to focus its limited research resources on determining what, if any, additional protection is required for materials and tank cars not addressed in Dockets HM-144, HM-174, and HM-175.

Several commenters recommended that no changes in safety valve sizes on existing specification 105 tank cars be mandated until MTB and FRA analyzed an AAR report entitled, "A Study of Pressure Tank Car Safety Relief Valve Sizing Requirements." MTB and FRA have analyzed that report, both for this rulemaking and in the related docket, HM-174. A detailed assessment of the AAR report is in the docket. A detailed discussion of the report is included in the preamble to Amendment No. 173-172, 179-34, Docket HM-174, which is published in today's Federal Register.

Based on our analysis of the AAR report and on an independent study of safety valve sizing sponsored by the FRA and conducted by the IIT Research Institute (IITRI), MTB and FRA conclude that the valves on existing 105 and 111 tank cars carrying flammable gases and ethylene oxide are not adequate even if the tank cars are equipped with a thermal protection system that results in a maximum temperature of 800°F in a 100-minute simulated pool fire test. However, based on the IITRI calculations, MTB and FRA are allowing an option whereby additional thermal protection can be provided so that the currently sized safety valves on all existing specification 105 and 111 tank cars carrying flammable gases or ethylene oxide may continue in use.

One commenter requested that an exception be made for its specification 105 anhydrous ammonia tank cars that have thick (3/8" or 1/2") heads jackets. These jackets apparently do not satisfy the requirements of either § 179.100-23 or § 179.105-5. The commenter provided insufficient information (e.g., type of steel used for the jacket) to enable MTB and FRA to evaluate the merits of this request.

Section-by-Section Analysis

Section 173.124 Ethylene Oxide

Paragraph (a)(5) of § 173.124 is amended to require that each specification 105 tank car built before September 1, 1981, with a capacity in excess of 18,500 U.S. gallons, conform to specification 105J when transporting ethylene oxide after December 31, 1986. (As a result of earlier actions taken in Docket HM-174, specification 105 tank

cars built after August 31, 1981, are currently required to have tank head and high temperature thermal insulation when transporting ethylene oxide.) Requiring a specification 105J tank car for ethylene oxide means that by December 31, 1986, existing specification 105 tank cars in excess of 18,500 U.S. gallons must be retrofitted with high temperature thermal protection, tank head protection, and larger capacity safety relief valves (or additional thermal protection).

Paragraph (a)(5) is also amended to require that each specification 111 tank car, with capacity in excess of 18,500 U.S. gallons, conform to specification 111J when transporting ethylene oxide after December 31, 1986. Thus, by December 31, 1986, each existing large capacity specification 111 tank car in ethylene oxide service must be retrofitted with high temperature thermal protection, tank head protection, and larger safety valves (or additional thermal protection). A new subparagraph (a)(5)(v) is added to specify that specification 111 tank cars built after March 1, 1984 are not permitted to transport ethylene oxide.

Section 173.314 Requirements for Compressed Gases in Tank Cars

This section is amended to require that existing specification 105 tank cars (those built prior to September 1, 1981) used to transport anhydrous ammonia, and with a capacity exceeding 18,500 U.S. gallons capacity, be retrofitted by December 31, 1986, with lower half tank head protection, i.e., conform to specification 105S. The final rule further requires that existing specification 105 tank cars with a capacity exceeding 18,500 U.S. gallons, used to transport flammable gases, be retrofitted by December 31, 1986, to conform to specification 105J. Consistent with the proposed rule, the final rule also requires that by December 31, 1986, each specification 111 tank car with a capacity exceeding 18,500 U.S. gallons, used to transport flammable gases, shall conform to specification 111J. In response to a comment by AAR, the final rule includes a sentence in "Note 23" that provides that specification 111 tank cars built after March 1, 1984 are not authorized to transport flammable gases.

Section 179.102-12 Ethylene Oxide

Section 179.102-12 is amended to require that each existing specification 105 tank car (built prior to September 1, 1981, and with a capacity exceeding 18,500 gallons) used to transport ethylene oxide be retrofitted by December 31, 1986, with high

temperature thermal protection, tank head protection, and a safety valve sized in accordance with § 179.105-7 if it is to continue in ethylene oxide service. The safety valve sizing requirement means that either a large capacity valve or additional high temperature insulation must be installed.

Section 179.105-7 Safety Relief Valves

Section 179.105-7 is amended by adding paragraph (d) to permit continued use of the currently installed valve on specification 105 cars transporting flammable gases if the thermal protection exceeds the minimum thermal protection required in § 179.105-4. This provision as proposed has been modified in several respects. First, the performance requirement for the additional thermal protection has been revised to require that, in the simulation pool fire tests required in § 179.105-4, none of the thermocouples on the uninsulated side of the steel plates indicate a plate temperature in excess of 550°F (instead of 540°F in the proposed rule). This minor change reflects additional data developed by FRA after publication of the notice of proposed rulemaking.

Second, all existing specification 105 and 111 tank cars carrying flammable gases and ethylene oxide (instead of only those cars with a manway cover of less than 18 inches diameter as proposed) will be allowed to use the option of additional thermal protection in lieu of a larger capacity safety relief valve. This change has been made to give tank car owners additional flexibility in satisfying the safety objectives of this rulemaking.

Third, the option to use additional thermal insulation instead of using a larger capacity safety relief valve is limited in paragraph (d) to cars transporting flammable gases. This has been done because today's amendment to the final rule in Docket HM-174 provides a similar option specifically developed for cars transporting ethylene oxide. Under that provision (§ 179.105-7(c)), the use of 550°F material permits a safety valve sized with a flow capacity as low as 1100 scfm at 85 psi, which corresponds to the currently utilized valve.

Fourth, the final rule permits the use of the currently installed valve if the additional thermal insulation is provided, rather than the use of a valve sized in accordance with the formula for compressed gases in insulated tanks. This change has been made to make clear that the currently installed valves are acceptable. The change has also been made because most valves on the tank cars are sized with a capacity

greater than the minimum capacity required under the formula. FRA wants to make clear that the valve capacity may not be reduced below its current level. (Nothing in the rule would preclude increasing the capacity of the safety relief valve.)

Section 179.106-1 General

Section 179.106-1 is amended to require that existing specification 105 tank cars manufactured to the specifications of the Canadian Transport Commission conform to the same standards prescribed for DOT specification 105 tank cars.

Section 179.106-3 Previously Build Cars

Section 179.106-3 is amended to establish performance requirements for specification 105S and 105J tank cars built before September 1, 1981. The requirements for the 105S and 105J tank cars in this section are identical to the requirements in § 179.106-2 for new cars.

Section 179.200-27 Alternative Requirements for Tank Head Puncture Resistance Systems

This section is added to clarify that specification 111 tank cars may utilize a head shield as prescribed in § 179.100-23 instead of meeting the puncture resistance requirements in § 179.105-5.

Section 179.202-18 Ethylene Oxide

Paragraph (a)(10) is added in § 179.202-18 to require that each specification 111 tank car used after December 31, 1986, for the transportation of ethylene oxide, with a capacity exceeding 18,500 U.S. gallons, conform to class 111J. Paragraph (a)(11), though not included in the NPRM, is also added. It specifies that specification 111 tank cars built after March 1, 1984, are not permitted for the transportation of ethylene oxide. This addition merely reflects the previous action of the AAR Tank Car Committee and is added in response to the AAR's comment.

Section 179.203 Special Requirements for Specification 111 Tank Cars

The final rule adds § 179.203 which sets out special requirements for specification 111 tank cars that parallels section 179.106 for specification 105 tank cars. One change from the proposed rule is the deletion of the words "before October 1, 1981" from paragraph (d). Paragraph (d) requires that specification 111 tank cars built to specifications promulgated by the Canadian Transport Commission must be equipped in accordance with § 179.203-2 by December 31, 1986. The change means

that all specification 111 cars over 18,500 U.S. gallons transporting flammable gases or ethylene oxide, after December 31, 1986, must conform to specification 111]. Also, a paragraph (e) is added to specify that specification 111 tank cars built after March 1, 1984 are not permitted for the transportation of flammable gases or ethylene oxide.

Economic Impact

MTB has determined this final rule is not a "major rule" under the terms of Executive Order 12291, but it is "significant" under DOT procedures (44 FR 11034). A regulatory evaluation and environmental assessment is available in the Docket at the address shown above. Based on the comments received in response to the NPRM and the information contained in the regulatory evaluation, I certify that this final rule will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Parts 173 and 179

Railroad safety, Hazardous materials transportation.

In consideration of the foregoing, Parts 173 and 179 of Title 49 Code of Federal Regulations are amended as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. In § 173.124, is amended by adding paragraphs (a)(5) (iii), (iv), and (v) to read as follows:

§ 173.124 Ethylene oxide.

(a) * * *

(5) * * *

(iii) After December 31, 1986, each specification 105 tank car built before September 1, 1981, having a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons and used for the transportation of ethylene oxide shall conform to specification 105J.

(iv) After December 31, 1986, each specification 111 tank car with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons, used for the transportation of ethylene oxide, shall conform to DOT specification 111J.

(v) Specification 111 tank cars built after March 1, 1984, are not permitted for the transportation of ethylene oxide.

* * *

2. In § 173.314, notes 23 and 24 to the table in paragraph (c) are revised to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * *

(c) * * *

Note 23.—Each specification 105 tank car built after August 31, 1981, shall conform to class DOT-105J. After December 31, 1986, each specification 105 tank car built before September 1, 1981, and with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons shall conform to class DOT-105J. After December 31, 1986, each specification 111 tank car with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons shall conform to class DOT-111J. Specification 111 tank cars built after March 1, 1984 are not authorized for the transportation of flammable gases.

Note 24.—Each specification 105 tank car built after August 31, 1981, shall conform to class DOT-105S. After December 31, 1986, each specification 105 tank car built before September 1, 1981, and with a water capacity (shell full volume including manways) exceeding 18,500 U.S. gallons, shall conform to class DOT-105S.

* * *

PART 179—SPECIFICATIONS FOR TANK CARS

3. In § 179.102-12, paragraph (a)(10) is added to read as follows:

§ 179.102-12 Ethylene oxide.

(a) * * *

(10) After December 31, 1986, each tank built before September 1, 1981, having a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons and used for the transportation of ethylene oxide shall conform to class DOT-105J.

4. In § 179.105-7, paragraph (d) is added to read as follows:

§ 179.105-7 Safety relief valves.

* * *

(d) Notwithstanding paragraph (a) of this section, and §§ 179.100-15, 179.102-11, and 179.200-18, a specification 105 or 111 tank car built before March 1, 1984 to transport any flammable gas may use the currently installed safety relief valves, if—

(1) The tank car is equipped with a thermal protection system in accordance with § 179.105-4; and

(2) In all of the three consecutive simulation pool fire tests required by paragraph (d) of § 179.105-4, none of the thermocouples on the uninsulated side of the steel plate indicates a plate temperature in excess of 550°F.

5. In § 179.106-1, paragraph (e) is added to read as follows:

§ 179.106-1 General.

* * *

(e) Notwithstanding the provisions of § 173.8 of this subchapter, no specification 105 tank car manufactured before September 1, 1981, to specifications promulgated by the Canadian Transport Commission having a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons may be used after December 31, 1986, to transport hazardous materials unless it is equipped in accordance with § 179.106-3.

6. Section 179.106-3 is revised to read as follows:

§ 179.106-3 Previously built cars

(a) Each specification 105A tank car built before March 1, 1981, shall be equipped with a coupler restraint system that meets the requirements of § 179.105-6.

(b) Each specification 105S tank car built before September 1, 1981, shall be equipped with:

(1) A coupler restraint system that meets the requirement of § 179.105-6; and

(2) A tank head puncture resistance system that meets the requirements of § 179.105-5.

(c) Each specification 105J tank car built before September 1, 1981, shall be equipped with:

(1) A coupler restraint system that meets the requirements of § 179.105-6;

(2) A thermal protection system that meets the requirements of § 179.105-4;

(3) A safety relief valve that meets the requirements of § 179.105-7; and

(4) A tank head puncture resistance system that meets the requirements of § 179.105-5.

7. Section 179.200-27 is added to read as follows:

§ 179.200-27 Alternative requirements for tank head puncture resistance systems.

Class DOT 111 tank cars required to have puncture resistance systems in accordance with § 179.105-5 may, as an alternative, be equipped with a head shield at each end of the car conforming to the requirements of § 179.100-23.

8. In § 179.202-18, paragraphs (a)(10) and (a)(11) are added to read as follows:

§ 179.202-18 Ethylene oxide.

(a) * * *

(10) After December 31, 1986, each tank built with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons shall conform to class DOT-111J.

(11) Specification 111 tank cars built after March 1, 1984, are not authorized for the transportation of ethylene oxide.

9. Sections 179.203 and 179.203-1 and 179.203-3 are added to read as follows:

§ 179.203 Special requirements for specification 111 tank cars.

§ 179.203-1 General.

(a) In addition to the requirements of this section, each tank car built under specification 111 shall meet the applicable requirements of §§ 179.200, 179.201, and 179.202.

(b) Notwithstanding the provisions of §§ 179.3, 179.4, and 179.6, AAR approval is not required for changes in or additions to specification 111 tank cars in order to comply with this section.

(c) Notwithstanding the provisions of § 173.8 of this subchapter, no specification 111 tank car manufactured to specifications promulgated by the Canadian Transport Commission may be used after February 28, 1985, to transport hazardous materials in the United States unless it is equipped with a coupler vertical restraint system that meets the requirements of § 179.105-6.

(d) Notwithstanding the provisions of § 173.9 of this subchapter, no specification 111 tank car manufactured to specifications promulgated by the Canadian Transport Commission and with a water capacity (shell full volume, including manways) exceeding 18,500 U.S. gallons, may be used after December 31, 1986, to transport flammable gases or ethylene oxide unless it is equipped in accordance with § 179.203-2.

(e) Specification 111 tank cars built after March 1, 1984 are not permitted for the transportation of flammable gases or ethylene oxide.

§ 179.203-2 Previously built cars.

(a) Each specification 111 tank car built before March 1, 1984, shall be equipped with:

(1) A coupler vertical restraint system that meets the requirements of § 179.105-6;

(2) A thermal protection system that meets the requirements of § 179.105-4;

(3) A safety relief valve that meets the requirements of § 179.105-7; and

(4) A tank head puncture resistance system that meets the requirements of § 179.105-5.

§ 179.203-3 Stenciling.

Each specification 111 tank car built before March 1, 1984 that is equipped as prescribed in § 179.203-2(a) shall be stenciled by having the letter "J" substituted for the letter "A" in the specification marking.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1)

Issued in Washington, D.C., on January 24, 1984.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 84-2377 Filed 1-26-84; 8:45 am]

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49 CFR Parts 173 and 179

[Docket No. HM-174; Amdt. No. 173-172, 179-34]

Shippers; Specifications for Railroad Tank Cars

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Amendment of final rule.

SUMMARY: This document amends a final rule issued under this Docket which established certain construction standards for railroad tank cars used to transport hazardous materials. This amendment provides an option for safety relief valve sizing for DOT specification 105J tank cars built after February 29, 1984 to transport ethylene oxide. Under current requirements, those class 105J cars must be equipped with a safety relief valve that has a discharge capacity calculated in accordance with a formula designed for compressed gases in uninsulated tanks. This amendment provides that specification 105J tank cars used to transport ethylene oxide may be equipped with a safety relief valve of lesser discharge capacity when additional high temperature thermal protection of the tank is provided. This action is taken by MTB in response to a petition for reconsideration of the final rule submitted by the Association of American Railroads (AAR).

EFFECTIVE DATE: This amendment is effective on March 1, 1984.

FOR FURTHER INFORMATION CONTACT: Philip Olekszyk, Office of Safety, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-0897.

SUPPLEMENTARY INFORMATION: On January 26, 1981 (46 FR 8005), MTB issued a final rule establishing certain construction standards for DOT specification 105 tank cars built to carry specified hazardous materials. The construction standards include a safety valve sizing requirement for those tank cars built to carry ethylene oxide. The final rule required that each DOT specification 105 tank car used to transport ethylene oxide and constructed after August 31, 1981, must have a safety valve sized in accordance with 49 CFR 179.105-7.

MTB received several petitions for reconsideration of the final rule. These petitions addressed, among other things, the safety valve sizing requirement for tank cars used to transport ethylene oxide. The petitioners argued that the larger safety valve for ethylene oxide would be less safe because of that commodity's peculiar characteristics. They also argued that the valve sizing equation in the rule should not be applied because ethylene oxide is a liquid while the equation is designed for gases.

While MTB and the Federal Railroad Administration (FRA) were not persuaded that these arguments were adequately supported, the compliance date was extended from September 1, 1981, until September 1, 1982 (46 FR 42678), then from September 1, 1982, until September 1, 1983 (47 FR 38697), and finally from September 1, 1983, until March 1, 1984 (48 FR 39630).

The extensions were granted to permit the AAR Tank Car Committee (AAR Committee) and other interested parties an opportunity to study the question of safety valve sizing for ethylene oxide and to submit the results for review and consideration. During the past two years, the AAR Committee conducted an extensive study of safety valve sizing. A final report was furnished to MTB and FRA earlier this year and has been placed in the Docket.

AAR Safety Relief Valve Report

The AAR Report is a comprehensive study of safety valve sizing and of the railroad accident environment. The report does address ethylene oxide safety valve sizing, but the overall analysis and conclusions of the AAR Report have equal validity for other materials. The AAR Report does not attempt to make the case, originally offered to justify the extension of the compliance date, that ethylene oxide should be treated differently as a result of peculiar chemical or physical properties. Rather, the AAR Report attempts to make the case that the safety relief valves currently used on DOT specification 105 and 111 tank cars transporting ethylene oxide and liquefied flammable gases (LFG) are adequately sized for railroad accident fire environments when used in conjunction with high temperature thermal insulation that meets the requirements of 49 CFR 179.105-4.

FRA and MTB have determined that the data and analysis do not support the conclusion that the current valves are adequately sized and, therefore, will not further extend the compliance date for equipping new construction ethylene

oxide tank cars with large capacity safety relief valves. However, as a result of the extensive analyses by AAR and FRA on the relationship of thermal insulation and safety valve sizing, adequate data are available to establish an optional approach that will permit continued use of the current valves on new ethylene oxide tank cars if additional thermal insulation is added.

Summary Technical Analysis of the AAR Report

The AAR Report discusses the functions of safety relief valves and design considerations for these valves; summarizes the equations that govern the flow of nonflashing liquids, saturated vapors, and flashing liquids through valves; reviews 49 technical papers dealing with various aspects of safety relief valves; reviews the results from selected pool fire simulation tests; and summarizes the results of subcooled water flow tests of two safety relief valves. The report also includes a description of computer programs developed by the AAR Committee to analyze the effects of fire engulfment on a tank car. The programs predict the temperatures and pressures of the tank car and the flow rate through the valves. The programs can treat both the case of the tank car remaining upright and the case of its being overturned. The programs can take account of a wide variety of fire environments, loading conditions, and insulation properties. The report includes selected case studies using the computer programs which purport to show the adequacy of the safety relief valves used on existing propane and ethylene oxide tank cars.

FRA and MTB Assessment of the AAR Report

The FRA and MTB assessment of the AAR Report, which has been placed in the docket, is summarized below.

The AAR Report confirms two key findings of a 1970 research study sponsored by FRA: (1) The overturned tank car accident scenario, in which the safety valve releases liquid rather than vapor, should be considered in the sizing of relief valves, and (2) the thermal conductance of insulation systems should be estimated at elevated temperatures. The report also contains useful information on design considerations and functions of safety relief valves.

The AAR Report makes two general recommendations with which MTB and FRA concur. First, the AAR recommends basing the allowable tank pressure on a percentage of the tank test pressure. Second, the AAR recommends that either (a) the theoretical burst strength

of the tank not exceed the tank pressure within a reasonable time or (b) if the theoretical burst strength does exceed the tank pressure, the tank should be empty when this occurs.

The computer program developed by the AAR for propane tank cars could be a useful guide for sizing relief valves. The computer program developed by the AAR for ethylene oxide greatly simplifies the physical phenomena; despite this simplification, that program could also be a useful guide for sizing relief valves if the results are cautiously interpreted.

MTB and FRA's primary reservations about the AAR Report are the assumptions made concerning (a) the heat flux from the fire to the tank car, (b) the effective thermal conductance of the jacket insulation in a fire, and (c) the allowable test pressure.

The AAR Report assumes that the tank car is only one fourth engulfed in the fire and, therefore, that the heat flux to the tank is about 8,000 BTU/(hr ft²). In a study sponsored by FRA and conducted by IIT Research Institute (IITRI), it was found that a heat flux of about 25,000 BTU/(hr ft²) is necessary to correlate the data obtained in full-scale fire tests of liquefied petroleum gas tank cars. The IITRI results are also consistent with a fire data analysis sponsored by FRA and conducted by Cornell Aeronautical Laboratory.

The AAR Report assumes a value of 2.3 BTU/(hr ft² °F) for the effective thermal conductance of the jacket insulation satisfying the requirements of 49 CFR 179.105-4. The report does not explain how this 2.3 value was derived. However, in separate correspondence, the AAR has stated that they based this 2.3 value on a preliminary evaluation by IITRI. In this preliminary evaluation, IITRI assumed small heat losses from the back of the test plates used in pool fire simulation test. In a later evaluation of these tests, IITRI has revised the plate heat loss estimates and has obtained a conductance value of 4.0.

The AAR has also submitted a report dated May 27, 1983, and entitled "Thermal Conductances of Fire Protection Insulations for Tank Cars." This report concludes that, based on laboratory thermal conductivity measurements, two thermal shield systems that passed the 800°F/100 minute pool fire simulation test would result in an overall system conductance of 2.3 BTU/(hr ft² °F) in a fire environment. MTB and FRA believe that these laboratory tests have not been demonstrated to be an acceptable simulation of railroad pool fires and that the DOT pool fire simulation tests are the best available simulation.

The AAR Report uses an allowable tank pressure of 120 percent of the tank test pressure. MTB and FRA believe it is illogical to specify a tank test pressure for undamaged, unheated tank cars and then optimistically assume that tank cars in an accident environment can withstand 120 percent of tank test pressure.

Using these extremely optimistic assumptions, the AAR Report concludes that the safety valves on existing propane and ethylene oxide tank cars are adequate. Using the more fully analyzed and conservative safety assumptions of the IITRI study, the MTB and FRA conclude that the existing valves are not adequate. MTB and FRA conclude that the safety valve/thermal protection combinations mandated in the final rules for Dockets HM-144 (42 FR 46306) and HM-174, and proposed in the NPRM for Docket HM-175 (48 FR 16188), are justified. However, based on the IITRI calculations, MTB and FRA are allowing an option whereby additional thermal protection can be provided so that the ethylene oxide safety valve currently used can continue to be used.

Optional Approach for Ethylene Oxide

For pressure tank cars, DOT requires (49 CFR 179.100-15) that the total safety relief valve discharge capacity must be sufficient to prevent building up pressure in the tank in excess of 82½ percent of the tank test pressure or 10 psi above the start-to-discharge pressure, whichever is higher. There are similar requirements (49 CFR 179.200-18, 49 CFR 179.300-15, 49 CFR 179.400-18, and 49 CFR 179.500-12) for other types of tank cars. (The Department permits certain pressure tank cars carrying certain compressed gases to have a valve discharge capacity that would allow a build up of pressure to 90 percent of the tank test pressure. (49 CFR 179.102-11)) The DOT safety valve requirements for rail tank cars are similar to the valve requirements for stationary tanks in the American Society of Mechanical Engineers (ASME) Code Section VIII, Division 1. The ASME Code requires that, if a tank may be exposed to a fire or other unexpected external source of heat, the pressure-relieving capacity must limit the pressure to 80 percent of the hydrostatic test pressure.

In the DOT regulations cited above, the fire characteristics and accident situations that the safety valves must protect against are not explicitly stated. In 1973 FRA conducted a full-scale fire test of a DOT specification 112A 340W tank car, without thermal protection,

filled with propane. In this test the tank car was upright, the safety valve was discharging vapor, and the car was engulfed in a pool fire. The maximum pressure attained was 357 psig (105 percent of the test pressure).

A study by the Railway Progress Institute and AAR of eight DOT specification 112 and 114 tank cars without thermal protection that were involved in actual railroad fires indicates that in several of those cases the tank car pressure apparently exceeded the DOT pressure specifications. In an analytical study sponsored by FRA and conducted by Cornell Aeronautical Laboratory, it was concluded that "the consequences of inadequate relief capacity—overpressure—as a contributor to car failure could be effectively masked by evidence of fire and mechanical damage. Common post-accident test * * * will not reveal this condition." It was further concluded in the study that "reputed observations at derailment sites of relief flow from cars which subsequently ruptured indicated that the flow may have been substantially reduced from that anticipated for a fully-opened valve."

To mitigate the problems with inadequate safety relief valve capacity, the Department undertook research and then initiated regulatory action. In 1973 FRA sponsored a full-scale pool fire test of an upright DOT specification 112 tank car filled with propane and equipped with thermal protection and a large capacity safety valve. In this test the maximum pressure reached was 320 psig (94 percent of the tank test pressure), and the thermal protection used was less than that required in 49 CFR 179.105-4. MTB and FRA believe that had the tank car in this test been equipped with the 49 CFR 179.105-4 thermal protection, the pressure would not have exceeded the permissible pressure limits.

Based on the IITRI calculations discussed above, MTB and FRA believe that the standard safety valve/thermal protection requirements promulgated in the final rules of Dockets HM-144 and HM-174 and proposed in the NPRM of Docket HM-175 will result in compliance with 49 CFR 179.100-15 or 49 CFR 179.102-11 for tank cars that remain upright in railroad fires.

Research sponsored by FRA and conducted at Cornell Aeronautical Laboratory, U.S. Air Force Rocket Propulsion Laboratory, the University of Maryland, and IITRI demonstrates that, for the same fire environment, the valve sizing requirements for a tank car that is overturned and therefore discharging liquid from the safety valve will usually

be greater than the valve sizing requirements for a tank car that is upright. In promulgating past valve sizing requirements, MTB and FRA believed (and still believe) that strict compliance with the requirements of 49 CFR 179.100-15 or 49 CFR 179.102-11 for overturned tank cars in fires would lead to unreasonably large relief valves. The IITRI calculations indicate that the large capacity safety valve/thermal protection will result in satisfactory safety for overturned ethylene oxide tank cars. For 105A 100W or 111A 100W ethylene oxide tank cars the maximum tank pressure will slightly and temporarily exceed the prescribed pressure limit of 85 psig, but the predicted pressures quickly recede to below the 85 psig level. For 105A 200W and 105A 300W ethylene oxide tank cars there are no predicted pressure problems using the large capacity safety valve/thermal protection.

FRA and MTB have analyzed the IITRI calculations to determine if an acceptable option can be developed to allow the use of 1100 standard cubic feet per minute (scfm) (at 85 psig) safety relief valves on new ethylene oxide tank cars. The IITRI calculations indicate that if the thermal protection were increased, the safety performances would be satisfactory. These thermal protection/safety valve combinations would result in excessive pressures, but by the time these pressures are reached, the fires should be greatly diminished in intensity or under control. In addition, the use of the additional thermal protection would provide more protection in torch fires and less chance of an autoignition of ethylene oxide in torch and pool fires than would the standard thermal protection/safety valve combination. MTB and FRA believe these benefits compensate for the higher pressures.

MTB and FRA have selected a minimum value of 550°F in the 100 minute pool fire test for the thermal protection required if the small 1100 scfm valve is used on ethylene oxide tank cars. The IITRI calculations indicate no clear cut break point in the range between 500°F and 600°F in terms of dramatic safety differences. MTB and FRA believe that the 550°F valve will provide a margin of safety to compensate for the simplifying assumptions made in the IITRI calculations.

Section-By-Section-Analysis

Section 173.124 Ethylene oxide

Paragraph (a)(5)(ii) of § 173.124 is revised to clarify that DOT specification 105 tank cars built after August 31, 1981,

and before March 1, 1984, are not required to have a safety valve sized in accordance with § 179.106-2(c)(4). The several extensions of the compliance date for the large capacity safety relief valve for new construction ethylene oxide cars (49 CFR 179.102(a)(9)) could create confusion about the application of § 173.124(a)(5)(ii). The language change does not result in any substantive change, but merely clarifies the relationship between § 173.124 and § 179.102-12.

Section 179.105-7 Safety relief valves

Current § 179.105-7 establishes safety valve sizing requirements. The requirements are applicable to DOT specification 105 tank cars by virtue of § 179.106-2(c)(4), which requires that DOT specification 105J tank cars be equipped with a safety relief valve that meets the requirements of § 179.105-7. Thus, the § 179.105-7 safety valve sizing requirements will apply to DOT specification 105 tank cars built after February 29, 1984, to transport ethylene oxide since those tank cars must be constructed in accordance with specification 105J.

The amendment to § 179.105-7 in this document provides an optional method to meet the safety valve sizing requirement. In addition to sizing the valve according to the formula prescribed in section A8.02 of Appendix A of the AAR Specifications for Tank Cars applicable to compressed gases in non-insulated tanks, a valve with a capacity of at least 1100 scfm at 85 psi may be used in conjunction with a thermal protection system that will pass the pool fire simulation tests prescribed in § 179.105-4(d) with none of the thermocouples on the uninsulated scale of the steel plate indicating a temperature in excess of 550°F. According to the industry, an 1100 scfm valve is the size currently used on ethylene oxide tank cars.

Note that the option is not related to date of construction. Thus, any DOT specification 105 tank car used to transport ethylene oxide could be modified to specification 105J. Similarly, cars currently being built may be fitted with the option and marked as DOT specification 105J cars.

Note also that revised § 179.105-7 includes DOT specification 111 tank cars. Inclusion of specification 111 tank cars does not impose any burden. Section 179.105-7 does not require any specification 111 tank car to be equipped with a valve sized according to § 179.105-7. The requirement for any specification 111 tank car to have a valve sized in accordance with

§ 179.105-7 would result only from a separate regulatory action where that issue is fully addressed. Inclusion of the reference to specification 111 tank cars means only that the option of using additional thermal insulation instead of a larger capacity safety relief valve would be available for a specification 111 tank car in the same way as it is available for specification 105 tank cars.

List of Subjects in 49 CFR Parts 173 and 179

Railroad safety.

In consideration of the foregoing, Parts 173 and 179 of Title 49, CFR, are amended as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. In § 173.124, paragraph (a)(5)(ii) is revised to read as follows:

§ 173.124 Ethylene oxide.

(a) * * *

(5) * * *

(ii) Each specification 105 tank car built after August 31, 1981, and before March 1, 1984, used for the transportation of ethylene oxide, must conform to DOT specification 105], except for the safety relief valve requirements of § 179.106-2(c)(4). Each specification 105 tank car built after February 29, 1984, used for the transportation of ethylene oxide, must conform to DOT specification 105].

PART 179—SPECIFICATIONS FOR TANK CARS

2. In § 179.105-7, paragraph (c) is added to read as follows:

§ 179.105-7 Safety relief valves.

(c) Notwithstanding paragraph (a) of this section, § 179.100-15, and § 179.200-18, the relieving or discharge capacity of the safety relief valve on a specification 105 or 111 tank car built to transport ethylene oxide may be as low as 1100 scfm at 85 psi if—

(1) The tank is equipped with a thermal protection system in accordance with § 179.105-4; and

(2) In all of the three consecutive simulation pool fire tests required by paragraph (d) of § 179.105-4, none of the thermocouples on the uninsulated side of the steel plate indicates a plate temperature in excess of 550°F.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1)

Note.—MTB has determined that this document is not a "major rule" under the terms of Executive Order 12291 or a

significant regulation under DOT's regulatory policy and procedures (44 FR 11034) and does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*). I certify that this final rule does not have a significant economic impact on a substantial number of small entities because the overall economic impact of this amendment is minimal. A regulatory evaluation and environmental assessment for the action taken in HM-174 are available for review in the docket.

Issued in Washington, D.C. on January 24, 1984.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 84-2378 Filed 1-26-84; 8:45 am]

BILLING CODE 4910-60-M

Federal Highway Administration

49 CFR Part 350

[BMCS Docket No. MC-108; Amdt. No. 83-4]

Motor Carrier Safety Assistance Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Amendment to interim final rule; request for comments.

SUMMARY: The FHWA is amending its interim final rule, published August 31, 1983 (48 FR 39455), establishing the Motor Carrier Safety Assistance Program (MCSAP), at 49 CFR Part 350, authorized by Sections 401-404 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424) (STAA of 1982). This amendment will provide for discretionary redistribution by the Federal Highway Administrator of appropriated funds unallocated in the first year of the MCSAP for State enforcement plans that have demonstrated a particular need. The FHWA invites comments on this amendment to the interim final rule.

DATES: This final rule is effective January 27, 1984. Comments must be received by March 27, 1984.

ADDRESS: All written comments should refer to the docket number that appears at the top of this document and should be submitted, preferably in triplicate, to Room 3404, Bureau of Motor Carrier Safety, 400 Seventh Street, SW., Washington, D.C. 20509. Those desiring notification of receipt of comments must include a self-addressed, stamped post card.

FOR FURTHER INFORMATION CONTACT: Mr. W. R. Fiste, Bureau of Motor Carrier Safety, (202) 426-0701 or Mr. Thomas P. Hoilan, Office of the Chief Counsel, (202) 426-0346, Federal Highway

Administration, 400 Seventh Street, SW., Washington, D.C. 20509. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: In the interim final rule, published on August 31, 1983, the FHWA exercised the discretion provided in the authorizing statute to distribute the subsequently appropriated sum of \$8,000,000 among the States according to an allocation formula based on certain factors enunciated in the rule. It was anticipated that many States would not be prepared to implement an enforcement plan in the first year of the program. Therefore, provision was made for development grants (not to exceed \$50,000) to provide assistance in preparing those States for future implementation. Further, it was anticipated that those States that were prepared to implement a program, particularly the States that participated in the demonstration program on which the MCSAP was, in part, modeled, would require more than the amount allocated by formula. Provision was therefore made in the interim final rule to permit any State to apply for three times its allocated share.

The FHWA has now determined that, after obligating grants to approximately 47 States and Territories, a balance will remain. This balance is available for redistribution to qualified States which have implemented an effective program, and which are in a position to further expand their efforts in the area of motor carrier safety. Without this amendment, the interim final rule would unnecessarily limit the extent to which the FHWA could participate with MCSAP funds in these further expanded efforts. This amendment is consistent with the Congressional intent of section 402 of the Act authorizing the MCSAP, and will promote the objectives of that section.

The FHWA has determined that this action does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. The amendment, however, is important in order to provide a means of distributing appropriated funds in a manner that will be consistent with the legislative mandate. The economic impact of this action is minimal, and such impact as may occur is primarily mandated by the provisions of the authorizing statute, and not by this rulemaking action. Accordingly, a full regulatory evaluation is not required.

For the foregoing reasons, under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

The FHWA recognizes that any delay in publishing this amendment rule would prevent the effective use of a portion of the appropriated funds to carry out the statutory purposes of improving motor carrier safety enforcement during fiscal year 1984. For this reason, and since the rule imposes no additional burdens on the States, the FHWA finds good cause to make this regulation effective without prior notice and opportunity for comment and without a 30-day delay in the effective date. Neither a general notice of proposed rulemaking nor a 30-day delay of the effective date is required under the Administrative Procedures Act because the matters affected relate to grants, benefits or contracts pursuant to 5 U.S.C. 553(a)(2). Accordingly, the regulation is effective upon publication. The FHWA will accept comments on this action which will be evaluated in determining the need for future revisions to the interim final rule as amended herein.

Since this amendment is being published in order to carry out the legislative objectives of sections 401-404 of the STAA of 1982, publication of this amendment without an opportunity for prior comment, but with a request for comment following publication is consistent with the Department of Transportation's regulatory policies.

List of Subjects in 49 CFR Part 350

Highways and roads, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirement.

In consideration of the foregoing, and under the authority of Sections 401-404 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424), the FHWA hereby amends Title 49, Code of Federal Regulations, Part 350, by adding paragraph (e) to § 350.13 to read as set forth below.

PART 350—COMMERCIAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (AMENDED)

§ 350.13 Distribution of funds.

* * *

(e) Notwithstanding any other provisions of this section, funds which have not been awarded to States, under application of the allocation formula and the provisions for increased allocations contained in this section,

may be redistributed, at the discretion of the Administrator.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: January 24, 1984.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 84-2307 Filed 1-26-84; 8:45 am]

BILLING CODE 4910-22-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1220

[No. 38849]

Review of Preservation of Records Rules

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This proceeding, which emanates from the Commission's periodic review of the preservation of records regulations, modifies the current Preservation of Records Rules, 49 CFR Part 1220. These changes allow each carrier's management more autonomy in establishing a recordkeeping program, while reducing costs and burdens.

DATES: The revised rules will become effective upon approval by the Office of Management and Budget. A Notice of that effective date will be issued at a later date.

ADDRESS: Copies of this rule may be purchased from: T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, 289-4357 (D.C. Metropolitan area), 800-424-5403 (toll free).

FOR FURTHER INFORMATION CONTACT: Andrew J. Lee, (202) 275-7448.

SUPPLEMENTARY INFORMATION: This proceeding emanates from the Commission's periodic review of the preservation of records regulations. Also, under Section 610 of the Regulatory Flexibility Act (Pub. L. 96-354), the Commission is required to review its rules to consider the effect of the rules on small entities. On November 3, 1981, the Commission published its 10-year plan for the review of its regulations. A specific Notice of Review of Regulations was published on December 31, 1981 (46 FR 63358), giving notification that the review was underway. On December 10, 1982, the Commission served the Notice of Proposed Rulemaking on the review of Preservation of Records Rules, (47 FR

56152, December 15, 1982).

The purpose of the preservation of record rules is to assure that carriers' records are secure, readily accessible, and adequately maintained for a prescribed period of time. The regulations instruct carriers to maintain their corporate, treasury, property, personnel, insurance and claims, inventory, transportation, tariff, statistical, and miscellaneous records in hard paper copy, microfiche, or machine-readable form for certain periods.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

The revised collection of information requirements included in this Final Rule do not become effective until approved by the Office of Management and Budget as provided by the Paperwork Reduction Act of 1980.

Regulatory Flexibility Act

As noted above, this proceeding stems from the Commission's review of rules pursuant to 5 U.S.C. 610. We have determined that this rule will have a significant economic impact upon a substantial number of small entities. The economic impact is beneficial because many cost reducing provisions have been adopted such as eliminating duplicative records, allowing management more autonomy in deciding which records to keep and for how long, and requiring only records and retention periods that would further the Commission's regulatory mission. The effect of these revisions will be a lessening of the expense and burden of recordkeeping.

This final rule will not have a significant effect on the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1220

Express companies, Freight forwarders, Motor carriers and brokers, Railroads, Ratemaking organizations subject to Commission oversight, Reporting and recordkeeping requirements. Water carriers.

This rule is made under the authority of 49 U.S.C. 10321 and 11145 and 5 U.S.C. 553.

Decided: November 29, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

James H. Bayne,
Acting Secretary.

Appendix

Part 1220 of Title 49 of the Code of Federal Regulations is revised to read as follows:

PART 1220—PRESERVATION OF RECORDS

Sec.

- 1220.0 Applicability.
- 1220.1 Purpose.
- 1220.2 Designation of supervisory official.
- 1220.3 Availability of records.
- 1220.4 Protection and storage of records.
- 1220.5 Preservation of records.
- 1220.6 Destruction of records.
- 1220.7 Photographic copies.
- 1220.8 Companies going out of business.
- 1220.9 Waiver of requirements of these regulations.
- 1220.10 Schedule of records and periods of retention.

Authority: 49 U.S.C. 10321 and 11145, and 5 U.S.C. 553.

§ 1220.0 Applicability.

Before destroying any operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, reports, or documents the following companies and persons subject to the provisions of the Interstate Commerce Act shall comply with the regulations in this part:

Railroad companies
Electric railway companies
Express companies
Persons furnishing cars to railroads
Motor carriers and brokers
Water carriers
Freight forwarders
Rate-making organizations

This part applies also to the preservation of accounts, records and memoranda of traffic associations, demurrage and car service bureaus, weighing and inspection bureaus, and other joint activities maintained by or on behalf of companies listed in the above paragraph of this subpart.

§ 1220.1 Purpose.

The regulations in this part prescribe the minimum length of time records shall be preserved, after which they may be destroyed at the discretion of each company's management. Every possible record that could provide valuable information might not be included in § 1220.10. However, it shall be the obligation of the subject company to maintain records that adequately support financial and operational data required by the Commission. The company may request a ruling from the

Commission on any record or retention period not covered in this Part. The general guideline shall be that if the record has a direct applicability to future events, then it should be retained. The provisions of this part shall not be construed as excusing compliance with the lawful requirements of any other governmental body, Federal or State, prescribing longer retention periods for any category of records.

§ 1220.2 Designation of supervisory official.

(a)(1) Each company subject to the provisions of this part shall appoint an officer or other responsible employee to supervise the preservation and authorized destruction of records. Such appointment shall be by formal corporate act of the Board of Directors or its executive committee or, if the company is not incorporated, by formal designation of the owners.

(2) Designation may be made by title only, rather than by name and title, and thus obviate the necessity for a new resolution or order each time a successor is appointed.

(b) If the property of the company is in the hands of a trustee, executor, administrator, or assignee, the officer or other responsible employee supervising the preservation and destruction of records shall be designated by such trustee, executor, administrator, or assignee.

(c) Authority to supervise the destruction of company records maintained by an association, joint bureau, etc. may be delegated to the manager or other chief officer.

(d) A company, at its option, may by a formal act of appointment delegate to a bank, trust company, or similar institution having custody of its records in the normal course of business, the authority to destroy such records upon compliance with the requirements of regulations in this Part.

(e) Copies of the resolution or orders of appointment need not be filed with the Commission but shall be available for inspection by the Commission's duly authorized representatives.

§ 1220.3 Availability of records.

At each office where records are kept or stored, such records as are herein required to be preserved shall be so arranged and filed so that they may be readily identified and made available to representatives of the Commission.

§ 1220.4 Protection and storage of records.

(a) The company shall protect records subject to the regulations in this part from fires, floods, and other hazards,

and safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of ventilation.

(b) The company shall notify the Commission if prescribed records are substantially destroyed or damaged as specified in Part 1220.6(d).

§ 1220.5 Preservation of records.

(a) All records prescribed by § 1220.10 may be preserved on hard-copy paper stock, microfilm or other forms of micrographics. It is not necessary to create paperstock or micrographic media if the records are initially prepared on machine-readable media such as punch cards, magnetic tape, disks and so on. However, these machine-readable media shall be preserved for the prescribed retention periods, if this option is chosen.

(b) Each machine-readable form of media shall be accompanied by a statement clearly indicating the type of data included in the media. This statement shall be executed by a person having personal knowledge of the facts contained in the records. The records shall be indexed and retained in such a manner as will render them readily accessible. The company shall have facilities available to locate, identify and reproduce legible paper copies of the records. The designated records supervisory official shall be responsible for implementing safeguards to assure that the information contained on the machine-readable media is complete, accurate, indexed, and accessible.

§ 1220.6 Destruction of records.

(a) *General authority.* Records described in these regulations may be destroyed after having been preserved for the prescribed periods.

(b) *Special authority.* Special authority is required before records described in these regulations may be destroyed prior to the end of the prescribed retention periods. Applications for special authority shall be filed with the Commission's Bureau of Accounts and must describe in detail the nature and purpose of the records in question and the reasons continued retention is no longer considered necessary. (see § 1220.9).

(c) *Method of destruction.* These regulations require that records be preserved for specified periods. Upon expiration of these periods, records may be destroyed in any manner if the company so elects. Precaution should be taken, however, to shred or otherwise destroy the legibility of any records, the content of which is forbidden by law to be divulged to unauthorized persons.

(d) *Premature destruction or loss of records.* When records are destroyed or lost before the expiration of the prescribed retention periods, a statement shall be prepared listing as accurately as possible, the records destroyed or lost and describing the circumstances under which they were destroyed or lost. The statement shall be certified by an officer of the carrier and filed with the officer having supervision over preservation of records. A copy of the statement shall also be filed with the Secretary's Office of this Commission within ninety (90) days from the discovery of the premature destruction or loss.

§ 1220.7 Photographic copies.

(a) Any record may be transferred to micrographics (including microfiche, computer output microfilm, and aperture cards) at any time. Records so maintained shall satisfy the minimum requirements listed in paragraphs (b) through (f) of this section.

(b) The micrographics used shall be of a quality that can be easily read and that reproduction in paperstock can be similar in size of any original and sufficient clarity of detail during the periods the records are required to be retained in § 1220.10.

(c) These records shall be indexed and retained in such a manner as will render them readily accessible, and the company shall have facilities available to locate, identify and read the microfilm, and reproduce in paper form.

(d) Any significant characteristic, feature, or other attribute which micrographic media will not preserve

shall be clearly indicated at the beginning of the applicable micrographic records as appropriate.

(e) The printed side of forms, such as instructions, need not be preserved for each record as long as the printed matter is common to all such forms and an identified specimen of the form is maintained on the film for reference.

(f) The responsible supervisory official designated in § 1220.2 shall be responsible for the overall micrographic program of the company. He shall assure that proper directives are issued and procedures implemented at the various micrographic locations so that records are reproduced in accordance with these regulations. Either the designated official or a company official having personal knowledge of the micrographic procedures shall execute a certificate of authenticity, stating that the micrographics are direct facsimiles of the original records, and they have been made in accordance with prescribed regulations, and they are accurate and complete. A copy of each certificate shall be retained by the responsible official designated under § 1220.2.

§ 1220.8 Companies going out of business.

The records referred to in these regulations may be destroyed after business is discontinued and the company is completely liquidated. The records may not be destroyed until dissolution is final and all transactions are completed. When a company is merged with another company under jurisdiction of the Commission, the

successor company shall preserve records of the merged company in accordance with these regulations.

§ 1220.9 Waiver of requirements of these regulations.

A waiver from any provision of these regulations may be made by the Commission upon its own initiative or upon submission of a written request by the company. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures, or techniques, or that compliance with such prescribed requirements would impose an unreasonable burden on the company.

§ 1220.10 Schedule of records and periods of retention.

The following schedule shows periods that designated records shall be preserved. The descriptions specified under the various general headings are for convenient reference and identification, and are intended to apply to the items named regardless of what the records are called in individual companies and regardless of departmental organization. Records other than those listed below may be destroyed at the option of the company, provided they do not have future applicability for Commission regulatory purposes. See § 1220.0 for record obligation of subject companies. The retention periods represent the prescribed number of years from the date on the document and not calendar years.

SCHEDULE OF RECORDS AND PERIODS OF RETENTION

Item and category of records	Retention period
A. CORPORATE AND GENERAL	
1. Incorporation and reorganization:	
(a) Charter or certificate of incorporation and amendments.....	Until business termination + 3 years. Do.
(b) Legal document related to mergers, consolidations, reorganization, receiverships and similar actions which affect the identity or organization of the company.....	Do.
2. Minutes of Directors, Executive Committees, Stockholders and other corporate meetings.....	Do.
3. Titles, franchises and authorities:	
(a) Certificates of public convenience and necessity issued by regulating bodies.....	Until expiration or cancellation. Do.
(b) Operating authorizations and exemptions to operate issued by regulating bodies.....	Until expiration or cancellation + 1 year.
(c) Copies of formal orders of regulatory bodies served upon the company.....	Until disposition of property + 3 years.
(d) Deeds, charters, and other title papers.....	Until expiration 1 year. 3 years.
(e) Patents and patent records.....	
4. Annual reports or statements to stockholders.....	
5. Contracts and agreements:	
(a) Service contracts, such as for operational management, accounting, financial or legal services, and agreements with agents.....	Until expiration or termination + 3 years. Do.
(b) Contracts and other agreements relating to the construction, acquisition or sale of real property and equipment except as otherwise provided in (a) above.....	Until expiration.
(c) Contracts for the purchase or sale of material and supplies except as provided in (a) above.....	Do.
(d) Shipping contracts for transportation or caretakers of freight.....	Do.
(e) Contracts with employees and employee bargaining groups.....	Until expiration or termination.
(f) Contracts, leases and agreements, not specifically provided for in this section.....	
6. Accountant's, auditor's, and inspector's reports:	
(a) Certifications and reports of examinations and audits conducted by public accountants.....	3 years.
(b) Reports of examinations and audits conducted by internal auditors, time inspectors, and others.....	Do.

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—Continued

Item and category of records	Retention period
7. Other: (See Note A.)	
B. TREASURY	
1. Capital stock records:	
(a) Capital stock ledger	3 years.
(b) Capital stock certificates, records of or stubs of. Note: If the information shown on the stubs is recorded in item 1(a), the stubs may be retained according to Note A.	Do.
(c) Stock transfer register	Do.
2. Long-term debt records:	
(a) Bond indentures, underwritings, mortgages, and other long-term credit agreements	Until redemption + 3 years.
(b) Registered bonds and debenture ledgers	Do.
(c) Stubs or similar records of bonds or other long-term debt issued. Note: If the information shown on the stubs is provided in items (2) (a) or (b) above, then retention period shall be determined according to Note A.	Do.
3. Authorizations from regulatory bodies for issuances of securities including applications, reports, and supporting papers	Until all securities covered are retired.
4. Records of securities owned, in treasury or held by custodians, detailed ledgers and journals, or their equivalent	Until the securities are sold, redeemed or otherwise disposed of + 3 years.
5. Other: (See Note A.)	
C. FINANCIAL AND ACCOUNTING	
1. Ledgers:	
(a) General and subsidiary ledgers with indexes	Until discontinuance of use + 3 years.
(b) Balance sheets and trial balance sheets of general and subsidiary ledgers	3 years.
2. Journals:	
(a) General journals	Until discontinuance of use + 3 years.
(b) Subsidiary journals and any supporting data, except as otherwise provided for, necessary to explain journal entries	3 years.
3. Cash books:	
(a) General cash books	Until discontinuance of use + 3 years.
(b) Subsidiary cash books	3 years.
4. Vouchers:	
(a) Voucher registers, indexes, or equivalent	3 years.
(b) Paid and canceled vouchers, expenditure authorizations, detailed distribution sheets and other supporting data including original bills and invoices, if not provided for elsewhere.	Do.
(c) Paid drafts, paid checks, and receipts for cash paid out	3 years.
5. Accounts receivable:	
(a) Record or register of accounts receivable, indexes thereto, and summaries of distribution	3 years after settlement.
(b) Bills issued for collection and supporting data	Do.
(c) Authorizations for writing off receivables	1 year.
(d) Reports and statements showing age and status of receivables	Do.
6. Records of accounting codes and instructions	3 years after discontinuance.
7. Other: (Note A.)	
D. PROPERTY AND EQUIPMENT¹	
1. Property records:	
(a) Records which maintain complete information on cost or other value of all real and personal property or equipment	3 years after disposition of property.
(b) Records of additions and betterments made to property and equipment	Do.
(c) Records pertaining to retirements and replacements of property and equipment	Do.
(d) Records pertaining to depreciation	Do.
(e) Records of equipment number changes	Do.
(f) Records of motor and engine changes	Do.
(g) Records of equipment lightweighted and stenciled	Only current or latest records.
2. Engineering records of property changes actually made	3 years after disposition of property.
3. Other: (Note A.)	
E. PERSONNEL AND PAYROLL	
1. Personnel and payroll records. (See Note A.)	
F. INSURANCE AND CLAIMS	
1. Insurance records:	
(a) Schedules of insurance against fire, storms, and other hazards and records of premium payments	Until expiration + 1 year.
(b) Records of losses and recoveries from insurance companies and supporting papers	1 year after settlement.
(c) Insurance policies	Until expiration of coverage + 1 year.
2. Claims records:	
(a) Claim registers, card or book indexes, and other records which record personal injury, fire and other claims against the company, together with all supporting data.	1 year after settlement.
(b) Claims registers, card or book indexes, and other records which record overcharges, damages, and other claims filed by the company against others, together with all supporting data.	Do.
(c) Records giving the details of authorities issued to agents, carriers, and others for participation in freight claims	3 years.
(d) Reports, statements and other data pertaining to personal injuries or damage to property when not necessary to support claims or vouchers	Do.
(e) Reports, statements, tracers, and other data pertaining to unclaimed, over, short, damaged, and refused freight, when not necessary to support claims or vouchers.	1 year.
(f) Authorities for disposal of unclaimed, damaged, and refused freight	3 years.
3. Other: (See Note A.)	
G. TAXES	
1. Taxes. (Note A.)	
H. PURCHASES AND STORES	
1. Purchases and stores. (Note A.)	
I. SHIPPING AND AGENCY DOCUMENTS	
1. Bills of lading and releases:	
(a) Consignors' shipping orders, consignors' shipping tickets, and copies of bills of lading freight bills from other carriers and other similar documents furnished the carrier for movement of freight	1 year.
(b) Shippers' order-to-notify bills of lading taken up and cancelled	Do.
2. Freight waybills:	
(a) Local waybills	Do.
(b) Interline waybills received from and made to other carriers	Do.

SCHEDULE OF RECORDS AND PERIODS OF RETENTION—Continued

Item and category of records	Retention period
(c) Company freight waybills.....	Do.
(d) Express waybills.....	Do.
3. Freight bills and settlements:	
(a) Paid copy of freight bill retained to support receipt of freight charges:	
(1) Bus express freight bills provided no claim has been filed.....	Do.
(2) All other freight bills.....	Do.
(b) Paid copy of freight bill retained to support payment of freight charges to other carriers:	
(1) Bus express freight bills provided no claim has been filed.....	Do.
(2) All other freight bills.....	Do.
(c) Records of unsettled freight bills and supporting papers.....	1 year after disposition.
(d) Records and reports of correction notices.....	1 year
4. Other freight records:	
(a) Records of freight received, forwarded, and delivered.....	Do.
(b) Notice to consignees of arrival of freight; tender of delivery.....	Do.
5. Agency records (to include conductors, pursers, stewards, and others):	
(a) Cash books.....	Do.
(b) Remittance records, bank deposit slips, and supporting papers.....	Do.
(c) Balance sheets and supporting papers.....	Do.
(d) Statements of correction in agents' accounts.....	Do.
(e) Other records and reports pertaining to ticket sales, baggage handled, miscellaneous collections, refunds, adjustments, etc.....	Do.
J. TRANSPORTATION	
1. Records pertaining to transportation of household goods:	
(a) Estimate of charges.....	1 year.
(b) Order for service.....	Do.
(c) Vehicle-load manifest.....	Do.
(d) Descriptive inventory.....	Do.
2. Records and reports pertaining to operation of marine and floating equipment:	
(a) Ship log.....	3 years.
(b) Ship articles.....	Do.
(c) Passenger and room list.....	Do.
(d) Floatmen's barge, lighter, and scow captains' reports, demurrage records, towing reports and check sheets.....	2 years.
3. Car distribution and movement—railroads only:	
(a) Records of car allotment and distribution.....	2 years.
(b) Records of cars ordered, furnished and loaded.....	Do.
(c) Records showing dates and numbers of trains, initials and number of cars, movement of cars, and mileage of cars and trains.....	Do.
(d) Report of cars interchanged with connecting lines.....	Do.
(e) Reports of unfilled car orders.....	1 year.
(f) Per diem and mileage reports made and received, including reclaims and discrepancy and adjustment reports.....	2 years.
(g) Demurrage and storage records.....	Do.
4. Dispatchers' sheets, registers, and other records pertaining to movement of transportation equipment.....	3 years.
5. Import and export records including bonded freight and steamship engagements.....	2 years.
6. Records, reports, orders and tickets pertaining to weighting of freight.....	3 years.
7. Records of loading and unloading of transportation equipment.....	2 years.
8. Records pertaining to the diversion or reconsignment of freight, including requests, tracers, and correspondence.....	Do.
9. Other: (See Note A).	
K. TARIFFS AND RATES	
1. Official file copies of tariffs, classifications, division sheets, and circulars relative to the transportation of persons or property.....	3 years after expiration or cancellation.
2. Authorities and supporting papers for transportation of property or passengers free or at reduced rates.....	3 years.
3. Records and documents required by provisions of sec. 1253.20 to be maintained.....	2 years.
L. SUPPORTING DATA FOR REPORTS AND STATISTICS	
1. Supporting data for reports filed with the Interstate Commerce Commission and regulatory bodies:	
(a) Supporting data for annual financial, operating and statistical reports.....	3 years.
(b) Supporting data for periodical reports of operating revenues, expenses, and income.....	Do.
(c) Supporting data for reports detailing use of proceeds from issuance or sale of company securities.....	Do.
(d) Supporting data for valuation inventory reports and records. This includes related notes, maps and sketches, underlying engineering, land, and accounting reports, pricing schedules, summary or collection sheets, yearly reports of changes and other miscellaneous data, all relating to the valuation of the company's property by the Interstate Commerce Commission or other regulatory body.....	3 years after disposition of the property.
2. Supporting data for periodical reports of accidents, inspections, tests, hours of service, repairs, freight car locations, etc.....	3 years.
3. Supporting data for periodical statistics of operating results or performance by tonnage, mileage, passengers carried, piggyback traffic, commodities, costs, analyses of increases and decreases, or otherwise.....	Do.
M. MISCELLANEOUS	
1. Index of records.....	Until revised as record structure changes.
2. Statement listing records prematurely destroyed or lost.....	For the remainder of the period as prescribed for record destroyed.

¹ All accounts, records, and memoranda necessary for making a complete analysis of the cost or value of property shall be retained for the periods shown. If any of the records elsewhere provided for in this schedule are of this character, they shall be retained for the periods shown below, regardless of any lesser retention period assigned.

NOTE A.—Other records under this category shall be maintained as determined by the designated records supervisory official. Companies should be mindful of the record retention requirements of the Internal Revenue Service, Securities and Exchange Commission, state and local jurisdictions and other regulatory agencies. Companies shall exercise reasonable care in choosing retention periods, and the choice of retention periods shall reflect past experiences, company needs, pending litigation, and regulatory requirements.

[FR Doc. 84-2173 Filed 1-26-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 40120-06]

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rule-related notice; initial specifications.

SUMMARY: 50 CFR 611.20(c) requires that the specifications of optimum yield (OY) and initial estimates of U.S. harvests and TALFFs (total allowable level of foreign fishing) be published at the beginning of the relevant fishing year.

Therefore, NOAA issues this notice presenting the numbers, as of January 1, 1984, for 1984 for all foreign fisheries.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Donna D. Turgeon (Regulations Coordinator), 202-634-7432.

SUPPLEMENTARY INFORMATION:

INITIAL (AS OF JANUARY 1, EACH YEAR) OPTIMUM YIELD (OY) OR TOTAL ALLOWABLE CATCH¹ (TAC), ESTIMATED DOMESTIC ANNUAL HARVEST (DAH), ESTIMATED DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED FISH (DNP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS.

Species	Species code	Areas	OY or TAC ¹	DAH	DAP	JVP	Reserve	TALFF
1. NORTHWEST ATLANTIC OCEAN FISHERIES								
A. Hake fishery:								
Hake, silver	104	NW Atlantic 1-4 *	30,000	20,600	5,600		0	9,400
		NW Atlantic 5	13,000	9,000	2,000		0	4,000
Hake, red	105	NW Atlantic 1-4	16,000	13,000	13,000	0	0	3,000
		NW Atlantic 5	6,000	500	500	0	3,000	2,500
B. Mackerel fishery:								
Atlantic mackerel	204		101,700	30,000	5,000	25,000	35,850	35,850
C. Trawl fishery:								
Herring, river	309		8,000	7,900	7,900	0	0	100
Other finfish	499		247,000	200,200	180,000	20,200	0	46,800
D. Squid fishery:								
Squid, long-finned	502		44,000	22,000	10,300	11,700	834	21,166
Squid, short-finned	504		30,000	27,100	5,000	22,100	0	2,900
E. Butterfish fishery:								
Butterfish *	212		up to 16,000	up to 13,800	11,000		0	up to 2,200
2. ATLANTIC AND GULF FISHERIES								
A. Atlantic billfish and sharks fishery:								
Sharks	469		6,150	5,000			0	1,150
B. Royal red shrimp fishery:	630		177.8	111.6			0	66.2
3. WESTERN PACIFIC OCEAN FISHERIES								
A. Seamount Groundfish Fishery ¹⁴			2,000	0	0	0	0	2,000
Amorheads	200							
Alfonsins	201							
Other groundfish	499							
B. Pacific billfish and sharks fishery:								
Swordfish	264	West Coast	318.4	¹⁵ 350.2			0	0
		Hawaii & Midway	93.6	5.9			8.8	78.9
		Guam & N. Marianas	4.1	0.2			0.4	3.5
		American Samoa	2.4	0			0	2.4
		U.S. Possessions	28.1	0			0	28.1
Blue marlin	260	West Coast						
		Hawaii & Midway	612.0	603.4			8.6	0
		Guam & N. Marianas	26.9	3.0			23.9	0
		American Samoa	37.2	2.3			0	34.9
		U.S. Possessions	76.3	0			0	76.3
Black marlin	253	West Coast						
		Hawaii & Midway	97.7	¹⁵ 104.7			0	0
		Guam & N. Marianas	0.6	0			0.1	0.5
		American Samoa	5.3	0			0	5.3
		U.S. Possessions	6.2	0			0	6.2
Striped marlin	261	West Coast	43.2	¹⁵ 47.5			0	0
		Hawaii & Midway	223.2	67.9			15.5	139.8
		Guam & N. Marianas	5.0	0.3			0.5	4.2
		American Samoa	7.8	0			0	7.8
		U.S. Possessions	46.6	0			0	46.6
Sailfish	252	West Coast						
Spearfish	262	Hawaii & Midway	42.7	23.4			1.9	17.4
		Guam & N. Marianas	4.8	0.2			0.5	4.1
		American Samoa	3.5	1.3			0	2.2
		U.S. Possessions	14.3	0			0	14.3
Sharks	263, 265, 266, 267, 469	West Coast	27.6	¹⁵ 30.4			0	0
		Hawaii & Midway	1,111.6	0			111.1	1,000.5
		Guam & N. Marianas	31.9	0			0	31.9
		American Samoa	101.6	0			0	101.6
		U.S. Possessions	651.4	0			0	651.4
Wahoo	255	West Coast						
		Hawaii & Midway	288.9	¹⁵ 317.8				0
		Guam & N. Marianas	25.1	27.6				0
		American Samoa	4.8	2.8				2.0
		U.S. Possessions						
Mahi mahi	237	West Coast						
	238	Hawaii & Midway	105.0	¹⁵ 115.5			0	0

INITIAL (AS OF JANUARY 1, EACH YEAR) OPTIMUM YIELD (OY) OR TOTAL ALLOWABLE CATCH ¹ (TAC), ESTIMATED DOMESTIC ANNUAL HARVEST (DAH), ESTIMATED DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED FISH (DNP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS.—Continued

Species	Species code	Areas	OY or TAC ¹	DAH	DAP	JVP	Reserve	TALFF
		Guam & N. Marianas	18.9	¹⁵ 20.8			0	0
		American Samoa	6.4	4.4			0	2.0
		U.S. Possessions						
4. ALASKA FISHERIES								
A. Bering Sea and Aleutian Islands Groundfish Fishery (Source: 49 FR 1061; January 9, 1984):								
Pollock	701	² Bering Sea	¹ 1,200,000	271,200	18,200	253,000	(⁹)	748,800
		³ Aleutians	¹ 100,000	3,500	500	3,000	(⁹)	81,500
Yellowfin sole	720		¹ 230,000	37,860	1,360	36,500	(⁹)	157,640
Turbots	721,118		¹ 59,810	120	20	100	(⁹)	50,550
Other flatfish	129		¹ 111,490	23,360	1,360	22,000	(⁹)	71,410
Pacific cod	702		¹ 210,000	131,600	104,400	27,200	(⁹)	46,900
Pacific ocean perch ⁴	780	Bering Sea	¹ 1,780	700	550	150	(⁹)	810
		Aleutians	¹ 2,700	2,295	550	1,745	(⁹)	⁹ 850
Other rockfish	849	Bering Sea	¹ 1,550	70	50	20	(⁹)	1,245
		Aleutians	¹ 5,500	4,050	50	4,000	(⁹)	625
Sablefish	703	Bering Sea	¹ 3,740	2,640	2,540	100	(⁹)	⁹ 900
		Aleutians	¹ 1,600	150	50	100	(⁹)	1,210
Atka mackerel	207		¹ 23,130	19,660	230	19,430	(⁹)	⁹ 1,000
Squid	509		¹ 8,900	40	20	20	(⁹)	7,525
Other species ⁴	499		¹ 40,000	5,000	3,000	2,000	(⁹)	29,000
B. Snail fishery:								
Snails (meats)	673		3,000	0	0	0	0	3,000
C. Gulf of Alaska Groundfish fishery (Source: 49 FR 1063; January 9, 1984):								
Pollock	701	⁵ Western	57,000	530	230	300	11,400	45,070
		⁵ Central	143,000	138,000	5,380	132,620	0	5,000
		⁵ Eastern	16,600	300	300	0	3,320	12,980
Pacific cod	702	Western	16,560	750	500	250	3,312	12,498
		Central	33,540	26,300	11,700	14,600	3,708	3,532
		Eastern	9,900	120	120	0	1,980	7,800
Flatfish	129	Western	10,400	10	0	10	2,080	8,310
		Central	14,700	8,720	100	8,620	2,940	3,040
		Eastern	8,400	300	300	0	1,680	6,420
Pacific ocean perch ⁴	780	Western	2,700	1,770	0	1,770	540	390
		Central	7,900	2,620	620	2,000	1,580	3,700
		Eastern	875	460	460	0	175	240
Other rockfish ⁴	849		7,600	895	395	500	1,520	5,185
Sablefish ⁴	703	Western	1,670	300	100	200	334	1,036
		Central	3,060	1,650	1,360	290	612	798
		West Yakutat ⁶	1,680	1,344	1,344	0	296	40
		East Yakutat ⁶	850 to 1,135	850 to 1,135	850 to 1,135	0		
		Southeast Outside ⁶	470 to 1,435	470 to 1,435	470 to 1,435	0		
Atka mackerel	207	Western	4,678	800	400	400	936	2,942
		Central	20,836	1,500	0	1,500	4,167	15,169
		Eastern	3,186	0	0	0	637	2,549
Squid	509		5,000	110	100	10	1,000	3,890
Thornyhead rockfish	749		3,750	200	150	50	750	2,800
Other species ⁴	499		18,718	500	100	400	3,744	14,474
5. NORTHEAST PACIFIC OCEAN FISHERY (Source: 49 FR 1060; January 9, 1984)								
Pacific whiting	704		175,500	110,000	10,000	100,000	35,000	30,500
Sablefish	703		17,400	17,400	17,400	(¹⁰)	0	(¹⁰)
Pacific ocean perch (POP)	780		1,550	1,550	1,550	(¹⁰)	0	(¹⁰)
Shortbelly rockfish	850		10,000	3,400	3,400	(¹⁰ , ¹²)		¹⁰ , ¹² 6,600
Jack mackerel	208		(¹⁰ , ¹²)			0		¹⁰ 0
Rockfish, other than POP	849		(¹²)			0		¹⁰ 0
Other species	499		(¹²)					
Flatfish	129		(¹²)			0		(¹⁰)

¹ TAC means total allowable catch determined annually within an established range of a multi-year, multi-species OY for the Bering Sea and Aleutian Islands area groundfish complex.

² Bering Sea means fishing areas I, II, and III in Figure 2, Appendix II of 50 CFR 611.9; Aleutian means fishing area IV in Figure 2, Appendix II of 50 CFR 611.9; Northwest Atlantic means foreign fishing areas 1 to 4 or 5 in Figure 1, Appendix II of 50 CFR 611.9.

³ For the butterfish fishery, JVP is conditional and TALFF is determined by a fixed percentage of the amount of other species allocated to foreign fishing vessels under § 655.21(b)(3)(iii).

⁴ The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus. The OY for Gulf of Alaska "other species" equals 5% of the OYs for target species.

⁵ The category "Pacific ocean perch" includes *Sebastes alutus* (Pacific ocean perch), *S. polyspinus* (northern rockfish), *S. aleuticus* (rougeye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).

⁶ See Figure 1 of § 611.92(a) for description of regulatory areas and districts.

⁷ The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific ocean perch" as defined in footnote 5 above, and *Sebastes* (thornyhead rockfish).

⁸ Excludes values for the Southeast Inside District, which is not governed by these regulations.

⁹ 15% of the TAC, or 300,000 metric tons, is apportioned to the initial pooled reserve and the remaining TAC is apportioned to DAP, JVP, and TALFF. The reserve may be apportioned to DAP, JVP, or TALFF as needed. TALFFs in the Aleutians of Pacific ocean perch, other rockfish, and sablefish contain amounts from the initial pooled reserve.

¹⁰ In the foreign trawl and joint venture fisheries for Pacific whiting, incidental catch allowance percentages (based on TALFF) and incidental retention allowance percentages (based on JVP) follow: sablefish 0.173%, Pacific ocean perch 0.062%, rockfish excluding POP 0.738%, flatfish 0.1%, jack mackerel 3.0%, and other species 0.5%. In foreign trawl and joint venture fisheries, "other species" means all species, including nongroundfish species, except Pacific whiting, sablefish, Pacific ocean perch, rockfish excluding POP, flatfish, jack mackerel, and prohibited species. In a foreign trawl or joint venture fishery for species other than Pacific whiting, incidental allowance percentages will be stated in the conditions of the foreign fishing permit.

See § 611.70(c)(2) for application of incidental retention allowance percentages to joint venture fisheries.

¹¹ Of this 1,550 metric tons, 600 metric tons is for the Vancouver subarea and 950 metric tons is for the Columbia subarea. Pacific ocean perch from other subareas are included in the OY for "other species". See § 663.21(a)(3).

¹² If no joint venture processing or foreign directed fishery is conducted, shortbelly rockfish will be included in the "rockfish, other than POP" category.

¹³ No numerical OY; no JVP or TALFF is allowed. See footnote 10 for incidental catch.

¹⁴ OY includes all seamount groundfish resources.

¹⁵ Estimated DAH exceeds OY for this fishery.

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

Dated: January 20, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 84-2411 Filed 1-26-84; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 448; Lemon Reg. 447, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 225,000 cartons during the period January 29-February 4, 1984, and increases the quantity of lemons that may be shipped to 235,000 cartons during the period January 22-28, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective January 29, 1984, and the amendment is effective for the period January 22-28, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a

significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on January 24, 1984, at Bakersfield, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is similar to last week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves

restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Agricultural Marketing Service, Marketing agreements and orders, California, Arizona, Lemons.

1. Section 910.748 is added as follows:

§ 910.748 Lemon Regulation 448.

The quantity of lemons grown in California and Arizona which may be handled during the period January 29, 1984, through February 4, 1984, is established at 225,000 cartons.

2. Section 910.747 Lemon Regulation 447 (49 FR 2465) is revised to read as follows:

§ 910.747 Lemon Regulation 447.

The quantity of lemons grown in California and Arizona which may be handled during the period January 22, 1984, through January 28, 1984 is established at 235,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 25, 1984.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-2554 Filed 1-26-84; 12:02 pm]

BILLING CODE 3410-02-M

Proposed Rules

Federal Register

Vol. 49, No. 19

Friday, January 27, 1984

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 810

U.S. Standards for Sunflower Seed

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) proposes that official U.S. Standards for Sunflower Seed be established to facilitate inspection, weighing, and marketing. Under such standards, sunflower seed shipped outside the United States must be officially inspected and weighed, except under certain provisions of the United States Grain Standards Act. Official inspection and weighing would be available, upon request, for domestic shipments. Production of sunflower seed in the U.S. has increased and the oil-type seed has become a major agricultural crop in some areas, especially in the North Central States. One major buyer and a number of United States industry members have requested development of official standards. Comments are solicited from interested parties on proposed official standards for this oilseed.

DATE: Comments must be submitted on or before March 27, 1984.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Information Resources Management Branch, USDA, FGIS, Room 0667, South Building, 1400 Independence Avenue SW., Washington, D.C. 20250; telephone (202) 382-1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., (address as above), telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1. The action has been classified as "Nonmajor" because it does not meet the criteria for a major regulation as established in the Order.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities because most potential users of official sunflower seed inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

Standards Review

Sunflower seed is a major source of edible vegetable oil. Although production has been centered in the Soviet Union and Eastern Europe, sunflower seed has become an important agricultural crop in other countries including the United States. Markets for the oil-type seed were firmly established in the 1960's, and production in the U.S. has generally increased over the last two decades. Major export markets have been developed for Mexico and Europe.

Sunflower can be grown throughout the United States. They are particularly adapted to the Great Plains area. North and South Dakota, Minnesota, and Texas are the major producing states. Both the oil-type and nonoil-type (confectionary) sunflower seed are grown in these states with the oil-type accounting for approximately 90 to 95 percent of the total production. The 1983 U.S. production for oil-type seed was approximately 3.2 billion pounds.

While the quality of marketed sunflower seed generally has been established through the use of Minnesota State Standards, separate industry trading rules have also been used to determine quality and establish price in the marketing system.

In the December 28, 1979, **Federal Register** (44 FR 76835), FGIS requested public comments on nine proposed grain standardization studies. One of the nine studies addressed the need for official U.S. Standards for Sunflower Seed. The majority of comments that addressed this issue favored study and/or

development of official standards.

However, subsequent discussions with the sunflower industry indicated the majority of producers, processors, and merchandisers did not support this proposed study. The FGIS Advisory Committee also recommended no action be taken to develop sunflower seed standards. As a result, FGIS determined that a study should not be initiated at that time.

No further action was taken by FGIS to develop official U.S. Standards for Sunflower Seed until inquiries were received from industry members and the Government of Mexico. In meetings with representatives from the sunflower industry, university researchers, and representatives from Mexico, it was concluded that official standards were needed to provide uniform Federal inspection procedures and to facilitate marketing of the crop. Industry representatives provided information on composition of the standards and indicated preference for establishment under the U.S. Grain Standards Act (7 U.S.C. 71, *et seq.*, the Act). Both the Minnesota Standards and industry trading rules as well as the sunflower seed domestic and export marketing system were reviewed in preparation of the proposed standards.

Section 2 of the Act (7 U.S.C. 74) provides, in part, that "it is declared to be the policy of Congress, for the promotion and protection of such interstate or foreign commerce in the interests of producers, merchandisers, warehousemen, processors, and consumers of grain, and the general welfare of the people of the United States, to provide for the establishment of official United States standards for grain * * * with the objectives that grain may be marketed in an orderly and timely manner and that trading in grain may be facilitated * * *"

Section 4(a) of the Act (7 U.S.C. 76(a)) provides, in part, that "the Administrator is authorized * * * to fix and establish (1) standards of kind, class, quality, and condition for * * * each other grains as in his judgement the usages of the trade may warrant and permit * * *"

Further, when grain standards are established under the Act, pursuant to section 5 of the Act (7 U.S.C. 77) such grain must be officially inspected and weighed by FGIS or a delegated state if the grain is shipped outside the United

States. There are certain exceptions to this requirement including when parties to a contract mutually agree not to have official inspection and the grain is not sold by grade. Also, when there is a domestic shipment of such grain, it may, upon request, be officially inspected and weighed by a designated agency.

Accordingly, it is proposed that official U.S. Standards for Sunflower Seed be established under the U.S. Grain Standards Act as authorized pursuant to section 4(a) of the Act (7 U.S.C. 76(a)). The format and structure of the proposed standards are uniform with other standards under the Act.

Specifically, the proposal divides the standards into three parts, and into sections, which are generally the same or similar to sections in other U.S. Standards for Grain. Part I, *Terms Defined* would consist of § 810.701, *Definition of sunflower seed*, and § 810.702, *Definition of other terms* which includes the terms distinctly low quality, foreign material, heat damaged, moisture, stones and test weight per bushel. Part II, *Principles Concerning the Application of the Standards* would consist of § 810.703, *Basis of determination* which references distinctly low quality and certain other quality determinations together with all other determinations; § 810.704, *Temporary modifications in equipment and procedures*; § 810.705, *Percentages*; § 810.706, *Grades and grade requirements for sunflower seeds*; § 810.707, *Grade designation* which includes optional grade designations. Part III, *Special Grades, Special Grade Requirements and Special Grade Designations* would consist of § 810.708, *Special grade and special grade requirements* and § 810.709, *Special grade designations*.

The definition of sunflower seed in § 810.701 provides, in part, that it shall be any grain which consists of 50.0 percent or more of cultivated sunflower seed. The term cultivated sunflower seed is defined in § 810.702 as sunflower seed grown for high oil content. Oil is also defined in the section together with the dehulled seed, hull, kernel, as well as those terms previously references above.

In § 810.73, *Basis of determination*, distinctly low quality and certain referenced quality determinations would be upon the basis of the lot as a whole and the sample as a whole, respectively. All other determination would be upon the basis stated in § 800.703(e) with odor as an exception. When abnormal environmental conditions exist, section 810.704 would permit minor temporary modifications in equipment or

procedures to obtain results expected under normal conditions.

Percentages (section 810.705) would be determined on the basis of weight, would be rounded if necessary and stated in a whole or tenth of a percent. Exceptions are when determining the identity of the seed stated in whole percent or foreign material stated in increments of .25 percent, for example, 0.26 to 0.75 would be expressed as 0.5.

The proposed § 810.706 includes two numerical grades and a Sample grade. The grading factors in the proposed standards are test weight per bushel, heat damaged seed, total damaged seed, and dehulled seed. Moisture, foreign material, and oil content are not grade determining factors but would be ascertained during the inspection process and shown on the inspection certificate as official factors pursuant to § 800.162(a) of the regulations. This section will be amended in separate rulemaking to reflect the addition of foreign material and oil content. "Infested" would be a special grade in the proposed standards and would be included in the grade designation when the condition exists. The percent of admixture would be determined and certified on a request basis according to procedures prescribed in the Grain Inspection Handbook.

Comments including data, views, and arguments are solicited from interested persons. Pursuant to section 4(b), the U.S. Grain Standards Act (7 U.S.C. 76(b)), upon request, such information may be presented orally in an informal manner.

It should be noted that pursuant to section 4(b) of the Act, no standards established or amendments or revocations of standards under the Act are to become effective less than one calendar year after promulgation unless, in the judgment of the Administrator, the public health, interest or safety requires that they become effective sooner. FGIS is considering that in the public interest an effective date of less than one calendar year after promulgation is warranted. An early effective date would facilitate domestic and export marketing and allow implementation of the standards prior to the 1984 crop year. FGIS therefore, anticipates that the proposed standards, if adopted, will be made effective 30 days after promulgation.

List of Subjects in 7 CFR Part 810

Exports, Grain.

PART 810—OFFICIAL U.S. STANDARDS FOR GRAIN

Accordingly, it is proposed that § 810.701—810.709 be added to the Official U.S. Standards for Grain to provide for the establishment of official U.S. Standards for Sunflower Seed.

United States Standards for Sunflower Seed

Terms Defined

- Sec.
810.701 Definition of sunflower seed.
810.702 Definition of other terms.

Principles Governing the Applications of the Standards

- 810.703 Basis of determination.
810.704 Temporary modifications in equipment and procedures.
810.705 Percentages.
810.706 Grades and grade requirements for sunflower seed.
810.707 Grade designations.

Special Grades Special Grade Requirements, and Special Grade Designations

- 810.708 Special grades and special grade requirements.
810.709 Special grade designation.

Authority: Sec. 5, 18, Pub. L. 94-582, 90 Stat. 2869, 7 U.S.C. 76, 87e.

UNITED STATES STANDARDS FOR SUNFLOWER SEED¹

Terms Defined

§ 810.701 Definition of sunflower seed.

Sunflower seed (*Helianthus annuus* L.) shall be any grain which, before the removal of foreign material, consists of 50.0 percent or more of cultivated sunflower seed and not more than 10.0 percent of other grains for which standards have been established by the Administrator pursuant to section 4(a) of the Act (7 U.S.C. 76) such as wheat, corn, barley, oats, rye, sorghum, flaxseed, soybeans, and triticale.

§ 810.702 Definition of other terms.

For the purpose of these standards, the following terms shall have the meanings stated below:

(a) *Cultivated sunflower seed.* Sunflower seed grown for high oil content.

(b) *Dehulled seed.* Sunflower seed which has the hull completely removed from the sunflower kernel.

(c) *Damaged sunflower seed (total).* Seed and pieces of seed that are heat-damaged, sprout-damaged, frost-damaged, badly weather-damaged,

¹ Compliance with the provisions of these standards shall not excuse failure to comply with provisions of the Federal Food, Drug, and Cosmetic Act or other Federal laws.

mold-damaged, diseased, or otherwise materially damaged.

(d) *Distinctly low quality.* Sunflower seed which is obviously of inferior quality because it contains foreign substances or because it is in an unusual state or condition and which cannot be properly graded by use of the other grading factors provided in the standards. Distinctly low quality shall include any objects too large to enter the sampling device (for example, large stones, wreckage, and the like).

(e) *Foreign Material.* All matter other than whole sunflower seeds containing kernels which may be removed from a test portion of the original sample by use of an approved device and by handpicking a portion of the sample in accordance with procedures prescribed in the Grain Inspection Handbook.²

(f) *Heat-damaged sunflower seed.* Seed and pieces of seed which have been materially discolored and damaged by heat.

(g) *Hull (Husk).* The ovary wall of the sunflower seed.

(h) *Kernel.* The interior contents of the sunflower seed which are surrounded by the hull.

(i) *Moisture.* Water content in sunflower seed as determined by an approved device in accordance with procedures prescribed in the Equipment Handbook.² For the purpose of this paragraph "approved device" shall include any equipment or method approved by the Administrator.³

(j) *Oil.* The fatty substance in sunflower seed soluble in petroleum ether as determined on a mechanically cleaned portion of the original sample by a method or device approved by the Administrator.³

(k) *Stones.* Concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(l) *Test weight per bushel.* The weight per Winchester bushel (2,150.42 cubic-inch capacity) as determined on a mechanically cleaned portion of the original sample by an approved device in accordance with procedures

prescribed in the Grain Inspection Handbook. Test weight per bushel shall be expressed to the nearest tenth of a pound. For the purpose of this paragraph, "approved device" shall include any equipment or method that is approved by the Administrator.³

Principles Governing the Application of the Standards

§ 810.703 Basis of determination.

(a) *Distinctly low quality.* The determination of distinctly low quality shall be made on the basis of the lot as a whole at the time of sampling when a condition exists that may not appear in the representative sample and/or the sample as a whole.

(b) *Certain quality determinations.* Each determination of rodent pellets, bird droppings, other animal filth, broken glass, castor beans, *Crotalaria* seeds, foreign material, live weevils or insects injurious to sunflower seed, moisture, temperature, unknown foreign substance, and any commonly recognized harmful or toxic substance shall be upon the basis of the sample as a whole.

(c) *All other determinations.* All other determinations shall be upon the basis of the grain after removal of foreign material by an approved device, except the determination of odor shall be upon either the basis of the grain as a whole or the grain after removal of foreign material by an approved device.

§ 810.704 Temporary modifications in equipment and procedures.

The equipment and procedures referenced in the sunflower standards are applicable to sunflower seed produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvesting of sunflower seed may require minor temporary modifications in equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, Federal Grain Inspection Service Offices, official inspection agencies, and interested parties in the grain trade will be notified promptly in writing of the modification. Adjustments in interpretations (i.e., identity, quality, and condition) are excluded and shall not be made.

§ 810.705 Percentages.

(a) Percentages shall be determined on the basis of weight and shall be rounded as follows:

(1) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., state 0.46 as 0.5.

(2) When the figure to be rounded is followed by a figure less than 5, retain the figure; e.g., state 0.54 as 0.5.

(3) When the figure to be rounded is even and it is followed by the figure 5, retain the even figure. When the figure to be rounded is odd and it is followed by the figure 5, round the figure to the next highest number; e.g., state 0.45 as 0.4; state 0.55 as 0.6.

(b) Percentages shall be stated in whole and tenth percent to the nearest tenth percent, except when determining the identity of sunflower seed and the percentage of foreign material. The percentage when determining the identity of sunflower seed shall be stated to the nearest whole percent. The percentage of foreign material shall be stated in terms of half percent, whole percent, or whole and half percent, as the case may be, as shown in the following examples: Foreign material ranging from 0.0 to 0.25 shall be expressed as 0.0 percent, from 0.26 to 0.75 shall be expressed as 0.5 percent, from 0.76 to 1.25 percent as 1.0 percent, from 1.26 to 1.75 percent as 1.5 percent, etc.

§ 810.706 Grades and grade requirements for sunflower seed. (See also § 810.708)

Grade	Minimum test weight per bushel (pounds)	Maximum limits of—		
		Damaged Sunflower Seed		De-hulled seed (per cent)
		Heat damage (per cent)	Total (per cent)	
U.S. No. 1	25.0	0.5	5.0	5.0
U.S. No. 2	25.0	1.0	10.0	5.0

U.S. Sample grade—U.S. Sample grade shall be sunflower seed which:

(1) Does not meet the requirements for the grades U.S. Nos. 1 or 2; or (2) in a 1000 gram sample, contains 8 or more stones which have an aggregate weight in excess of 0.20 percent of the sample weight, 2 or more pieces of glass, 3 or more *Crotalaria* seeds (*Crotalaria* spp.), 2 or more castor beans (*Ricinus communis*), 4 or more particles of an unknown substance(s) or a commonly recognized harmful or toxic substance(s), or 10 or more rodent pellets, bird droppings, or an equivalent quantity of other animal filth; or (3) has a musty, sour, or commercially objectionable foreign odor; or (4) is heating or otherwise of distinctly low quality.

§ 810.707 Grade designations.

(a) *Grade designation for sunflower seed.* The grade designation for sunflower seed shall include in the following order: (1) the letters "U.S."; (2) the number of the grade or the words "Sample grade"; (3) the words "Sunflower Seed"; and (4) the special grade, if applicable (see also § 810.709).

(b) *Optional grade designations.* Sunflower seed may be certificated (under certain conditions outlined in the Grain Inspection Handbook²) when supported by official analysis, as "U.S. No. 2 or better Sunflower Seed." The

² The following publications are referenced in these standards. Copies may be obtained from the U.S. Department of Agriculture, Federal Grain Inspection Service, 1400 Independence Avenue, SW., Washington D.C. 20250.

(a) Equipment Handbook, as amended, U.S. Department of Agriculture, Federal Grain Inspection Service.

(b) Grain Inspection Handbook, as amended, U.S. Department of Agriculture, Federal Grain Inspection Service.

³ Requests for information concerning approved devices and procedures, criteria for approved devices, and requests for approval of devices should be directed to the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, D.C. 20250.

special grade designation, when applicable, also shall be included (under certain conditions outlined in the Grain Inspection Handbook ²) in the certification.

Special Grades, Special Grade Requirements, and Special Grade Designations

§ 810.708 Special Grades and special grade requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 810.706. The special grade is established and determined as follows:

Infested sunflower seed. Sunflower seed which is infested with live weevils or other insects injurious to stored sunflower seed and/or other grain. As applied to sunflower seed the meaning of the term "infested" is set forth in the Grain Inspection Handbook.²

§ 810.709 Special grade designation.

The special grade designation shall be made in addition to all other information prescribed in § 810.707. The grade designation for infested sunflower seed shall, following the words "Sunflower Seed," be signified by the word "Infested."

January 12, 1984.

Kenneth A. Gilles,

Administrator.

[FR Doc. 84-2309 Filed 1-26-84; 8:45 am]

BILLING CODE 3410-EN-M

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Reg. E; Docket No. R-0502]

Electronic Fund Transfers; Proposed Rule and Proposed Update to Official Staff Commentary

Correction

In FR Doc. 84-1299 beginning on page 2204 in the issue of Wednesday, January 18, 1984, make the following corrections.

1. In "Supplement II", on page 2209, Q and A's 6-6.5, 7-5.5, 7-6.5, 7-15.5, 9-31, 9-31.5, 9-40.5, and 10-18.5 should have been indicated with bold-face arrows as new language.

2. On pages 2209 and 2210, Q and A's 10-19 and 12-1 should have appeared as set forth below:

Section 205.10—Preauthorized transfers.

* * * * *

Q10-19: Preauthorized debits—stop-payment order. On October 10, a consumer orally orders the financial institution to stop payment on a \$30 utility bill that is scheduled to be paid on October 15. The payment is stopped. The consumer properly confirms the order in writing on October 17. On October

30 the utility company resubmits the \$30 debit. [Must the financial institution stop payment on the resubmitted item?] ▶ How might the financial institution comply with the consumer's stop-payment request? ◀

A: [Yes. The institution may accomplish this, for example, by suspending all subsequent payments to the designated payee until the consumer notifies the institution that payments should resume.]

▶ The act and regulation establish the consumer's right to stop payment of preauthorized electronic fund transfers. The institution may comply with the regulation and respond to the consumer's request by determining, when the consumer orally requests the financial institution to stop payment on an item, whether (1) the consumer wishes to revoke the payment authorization to the designated payee for all future payments, in which case the institution may suspend all subsequent payments to the designated payee until the consumer notifies the institution that payments should resume; or (2) the consumer wishes only the particular payment to be stopped, in which case the payment must be stopped even if it is resubmitted. ◀ (§ 205.10(c))

* * * * *

Section 205.12—Relation to State Law.

Q12-1: Preemption of state EFT laws—specific determinations. The regulation prescribes standards for determining whether state laws that govern electronic fund transfers are preempted by the act and the regulation. If, under these standards, ▶ a ◀ state law is inconsistent with the federal law, is [the state law] ▶ it ◀ automatically preempted ▶ by operation of law, absent a Board determination of preemption ◀?

A: [No. A specific determination of preemption will be made by the Board. Interested parties seeking a determination should follow the procedures set forth in the regulation.] ▶ If the state law is inconsistent with the federal law and is not more protective than the federal, the state law is preempted even if the Board has not issued a determination on the question. ◀ (§ 205.12 (a) and (b))

* * * * *

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-ASW-3]

Proposed Alteration of Transition Area; Warren, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area at Warren, AR. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new standard

instrument approach procedure (SIAP) to the Warren Municipal Airport. This action is necessary since the Airport Commission is proposing to install a nonfederal nondirectional radio beacon (NDB) on the Warren Municipal Airport.

DATE: Comments must be received on February 27, 1984.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G, § 71.181 as republished in Advisory Circular AC 70-3A dated January 3, 1983, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Warren, AR, will necessitate an amendment of this subpart. This amendment will be required at Warren, AR, since there is a proposed change in IFR procedures to the Warren Municipal Airport. There is a proposal by the Airport Commission to establish a nonfederal NDB on the airport, and an SIAP will be developed for this facility.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above.

Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84-ASW-3." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877-2630. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Warren, AR [Revised]

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of the Warren Municipal Airport (latitude 33°33'50"N., longitude 92°05'00"W.) and within 3 miles each side of a 214° bearing of the NDB (latitude 33°32'49"N., longitude 92°05'45"W.) extending from the 6.5-mile radius area to 8.5 miles southwest of the NDB.

[Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.61(c)]

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a

"significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on January 16, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84-2266 Filed 1-26-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 84-ASW-1]

Proposed Designation of Transition Area; Perry, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to designate a transition area at Perry, OK. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Perry Municipal Airport. This action is necessary since a new SIAP utilizing the Pioneer VORTAC is being developed and the proposed 700-foot transition area will provide protection for aircraft arriving/departing the airport under instrument flight rules (IFR). Coincident with this action, the airport will change from visual flight rules (VFR) to IFR.

DATE: Comments must be received on February 27, 1984.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O.

Box 1689, Fort Worth, TX 76101; telephone: (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G, § 71.181 as republished in Advisory Circular AC 70-3A dated January 3, 1983, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the transition area at Perry, OK, will necessitate an amendment to this subpart. This amendment will be required at Perry, OK, since there is a proposed SIAP to the Perry Municipal Airport utilizing the Pioneer VORTAC.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84-ASW-1." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877-2630. Communications

must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Perry, OK [New]

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of the Perry Municipal Airport (latitude 36°23'06"N., longitude 97°16'22"W.). (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on January 18, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84-2261 Filed 1-26-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 81N-0369]

Hydrogen Peroxide; Proposed Affirmation of GRAS Status as a Direct Human Food Ingredient With Specific Limitations; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on its proposal to affirm that hydrogen peroxide is generally recognized as safe (GRAS) as a direct human food ingredient with specific limitations. The Whey Products Institute and Thomas J. Lipton, Inc., requested an extension, and FDA is granting it.

DATE: Comments by April 26, 1984.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Leo F. Mansor, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 17, 1983 (48 FR 52323), FDA published a proposal to affirm that hydrogen peroxide is GRAS as a direct human food ingredient with specific limitations. Comments on the proposal were to be filed by January 16, 1984.

By letter dated January 5, 1984, attorneys for the Whey Products Institute requested a 60-day extension of the comment period to provide the whey processing industry adequate time to present a coordinated response to the agency regarding the use of hydrogen peroxide as a bleaching agent in whey processing.

By letter dated January 9, 1984, Thomas J. Lipton, Inc., requested a 90-day extension of the comment period to provide the corporation with sufficient time to develop technical information that would be necessary to support the use of hydrogen peroxide as a bleaching agent in the processing of instant tea. Lipton commented that the production of instant tea would be adversely affected unless the proposed rule was revised to permit such a use.

After carefully evaluating the requests, FDA concluded that an extension is appropriate to provide additional time to prepare responses to the proposed regulation. FDA recognizes the significance of the issues involved in this matter and wishes to ensure that all interested parties have adequate time to comment. Therefore, FDA is granting a 90-day extension of the comment period.

Interested persons may, on or before April 26, 1984, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the

docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 23, 1984.

William F. Randolph,
Acting Associate Commissioner, for Regulatory Affairs.

[FR Doc. 84-2257 Filed 1-24-84; 10:40 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-144-76]

Farming Syndicate Expenditures; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to farming syndicate expenditures.

DATES: The public hearing will be held on Thursday, March 8, 1984, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Thursday, February 23, 1984.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-144-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Lou Ann Craner of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, telephone 202-566-3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 464 and 278(b) of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Tuesday, November 15, 1983 (48 FR 51936).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the

time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than February 23, 1984, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commission of Internal Revenue.

James J. McGovern,

Acting Director, Legislation and Regulations Division.

[FR Doc. 84-2398 Filed 1-26-84; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Parts 1 and 5

[LR-218-81]

Credit for Employment of Certain New Employees; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the credit for employment of individuals qualifying as members of a targeted group.

DATES: The public hearing will be held on Wednesday, February 29, 1984, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Wednesday, February 15, 1984.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-218-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Lou Ann Craner of the Legislation and

Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, telephone 202-566-3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 51 and 381 of the Internal Revenue Code of 1954. The proposed regulations appeared in the *Federal Register* for Wednesday, November 23, 1983 (48 FR 52943). That notice of proposed rulemaking stated that a notice of hearing was being published on the same day. Due to an oversight, however, no notice of hearing was published on that day.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulation should submit, not later than February 15, 1984, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answer to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

James J. McGovern,

Acting Director, Legislation and Regulations Division.

[FR Doc. 84-2398 Filed 1-26-84; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 207

San Diego Bay, Calif., Naval Restricted Area

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Navy has requested the Corps of Engineers establish a naval restricted area in the Pacific Ocean in Middle San Diego Bay, California. The proposed restricted area surrounds the existing Naval Amphibious Base where extensive special operations take place. The restricted area would protect persons and property from the dangers associated with naval operations within the area.

DATE: Written comments must be received on or before March 12, 1984.

ADDRESS: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Glenn C. Lukos at (213) 688-5606 or Mr. Ralph T. Eppard at (202) 272-0200.

SUPPLEMENTARY INFORMATION: The Corps of Engineers proposes to establish a naval restricted area at the Naval Amphibious Base, Coronado. The restricted area is necessary for the safety of lives and property due to growing congestion of military and private vessels in those waters. A portion of the restricted area extending 120 feet from the pierheads and from the shoreline where no piers exist, will be closed to all persons and vessels except those owned by, under hire to, or performing work for the Naval Amphibious Base. The remainder of the restricted area will be open to vessel traffic provided transit through the area is made by the most direct route and without unnecessary delay.

Note.—This proposed regulation is issued with respect to a military function of the Defense Department; is not a major rule within the meaning of Executive Order 12291, and accordingly, the provisions of Executive Order 12291 do not apply. The Corps of Engineers certifies pursuant to Section 605(b) of the Regulatory Flexibility Act of 1980, that this regulation will not have a significant economic impact on a substantial number of entities.

List of Subjects in 33 CFR Part 207

Transportation, Water transportation, Marine safety.

Navigation, water transportation and marine carriers.

Dated: January 16, 1984.

Michael Volpe,

Colonel, Corps of Engineers, Executive Director of Civil Works.

PART 207—[AMENDED]

Section 207.611 is added to 33 CFR to read as follows:

§ 207.611 San Diego Bay, California; naval restricted area.

(a) *The Area.* The water of the Pacific Ocean in Middle San Diego Bay in an

area extending from the northern and eastern boundary of the Naval Amphibious Base about 0.1 nautical miles and 0.6 nautical miles from the southern shoreline and basically outlined as follows:

Station	Latitude	Longitude
1	32°40'33" N	117°10'02.4" W.
2	32°40'34.7" N	117°09'54" W.
3	32°40'46" N	117°09'44.2" W.
4	32°41'00" N	117°09'24.6" W.
5	32°40'20" N	117°08'36.7" W.
6	32°40'00" N	117°08'00" W.
7	32°39'18" N	117°08'4" W.
8	32°39'16" N	117°08'48" W.

(b) *The Regulations.*

(1) Swimming, fishing, mooring or anchoring shall not be allowed within the restricted area.

(2) A portion of the restricted area extending 120 feet from pierheads and from the low water mark on shore, where piers do not exist is closed to all persons and vessels except those owned by, under hire to, or performing work for the Naval Amphibious Base.

(3) All vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay.

(4) The regulations in this section shall be enforced by the Commanding Officer, Naval Amphibious Base, Coronado, California and such agencies as he/she shall designate.

Authority: (33 U.S.C. 1)

[FR Doc. 84-2410 Filed 1-26-84; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 1, 2 and 7

General and Special Regulations for Areas Administered by the National Park Service

AGENCY: National Park Service, Interior.

ACTION: Extension of the comment period.

SUMMARY: On December 27, 1983 (48 FR 56971) the National Park Service published proposed amendments dealing with trapping, the use and possession of weapons, definitions and information collection. Several organizations and individuals have requested an additional period of time in which to comment. This notice extends the comment period on that proposed rulemaking.

DATES: The National Park Service will consider, until February 25, 1984, all

comments received on those proposed rules.

ADDRESS: Comments should be addressed to: Associate Director, Park Operations, National Park Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Weston P. Kreis, Acting Chief, Branch of Ranger Activities, National Park Service, Washington, D.C. 20240, telephone (202) 343-5607.

SUPPLEMENTARY INFORMATION: Several organizations and individuals have requested an additional period of time in which to comment. Because of the widespread public interest in these rules and in an effort to ensure maximum public involvement on a nationwide basis, the National Park Service is extending the comment period until February 25, 1984.

Dated: January 23, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-2259 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-70-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6333]

Revision of Proposed Flood Elevation Determinations; Rhode Island

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Cranston, Providence County, Rhode Island.

Due to recent engineering analysis, this proposed rule revises the proposed determinations for base (100-year) flood elevations published in the *Federal Register* at 47 FR 24369 on June 4, 1982, and hence supersedes those previously published proposed rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Planner's Office, City Hall, 869 Park Avenue, Cranston, Rhode Island.

Send comments to:

Honorable Edward D. DiPrete, Mayor of the City of Cranston, City Hall, 869 Park Avenue, Cranston, Rhode Island 02910.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287-0230.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Cranston, Providence County, Rhode Island, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pawtuxet River.	Broad Street (upstream side)	*16
	AMTRAK (downstream side)	*18
	Approximately 75 feet upstream of Elmwood Avenue	*21
	At confluence of Pocasset River	*23
	State Route 37 (eastbound)	*24
Furnace Hill Brook.	Approximately 3,500 feet upstream State Route 37 (eastbound)	*26
	Upstream corporate limits	*28
	At confluence with Meshanticut Brook	*55
	Furnace Hill Road (upstream side)	*72
	Phenix Avenue (upstream side)	*147
Furnace Hill Brook Tributary.	Private Drive (upstream side)	*263
	Pippin Orchard Road (downstream side)	*322
	At confluence with Furnace Hill Brook	*147
	Approximately 3,700 feet upstream of confluence with Furnace Hill Brook	*247

Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Pocasset River	At confluence with Pawtuxet River	*23
	Approximately 150 feet upstream of Reservoir Avenue	*35
	Approximately 100 feet upstream of Park Avenue	*48
	Print Works Pond Dam (upstream side)	*72
	Access Road (upstream side)	*74
Meshanticut	At upstream corporate limits	*81
	At downstream corporate limits	*40
	AMTRAK bridge (upstream side)	*45
	Scituate Avenue (upstream side)	*123
	Wilbur Avenue	*51
	Lakeview Drive dam (upstream side)	*62

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Administrator)

Issued: January 12, 1984.

Jeffrey S. Bragg,
Administrator, Federal Insurance
Administration.

[FR Doc. 84-2276 Filed 1-26-84; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1220

[No. 38849 (Sub-1)]

Elimination of Preservation of Records Rules

AGENCY: Interstate Commerce
Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing to eliminate 49 CFR Part 1220, Preservation of Records Rules. These rules dictate the minimum length of time records must be preserved. The Commission believes the rules contained in that part no longer are necessary and that their elimination will reduce costs and burdens substantially.

DATES: Comments are due no later than March 12, 1984. The Commission does not intend to grant any extensions of the comment due date and will issue a final decision and notice by May 11, 1984.

ADDRESSES: An original and 10 copies of comments should be sent to: No. 38849 (Sub-1); Case Control Branch, Office of

the Secretary, Interstate Commerce
Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Andrew J. Lee, (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission is proposing to eliminate 49 CFR Part 1220. The rules in that part prescribe the minimum length of time records must be preserved by carriers. They also require carriers formally to designate personnel to supervise their record retention programs and prescribe other related formalities. The rules also include certain constraints on the use of micrographics.

Apparently the Commission originally adopted the rules in Part 1220 to assure that the records of carriers would be secure, readily accessible, and adequately maintained for a prescribed period of time. However, as we recognized today in our notice, in No. 38849, *Review of Preservation of Records Rules*, adopting certain revisions to those rules, we must continue to review the Commission's regulations and eliminate those provisions which are unnecessary. Although the amended rules may be somewhat less burdensome than the earlier version of the rules, after further study we have determined preliminarily that there is no justification for continuing to maintain those record retention rules and that they should be rescinded.

Other Federal agencies, as well as State and local authorities, also require carriers to maintain a wide array of documents and other records, generally for designated minimum periods of time. Because most of the Commission's record retention rules merely duplicate the requirements of those other government entities, their perpetuation is needless and wasteful. Furthermore, we believe carriers are far better equipped than the Commission to devise programs to meet those record retention requirements. We would like to receive information from commentors regarding the record retention regulations that other agencies impose on carriers that are subject to our jurisdiction. Any Federal or State agencies with specific information on this subject are especially requested to file comments on this question.

Carriers are the real beneficiaries of well planned record retention programs. Information derived from adequately kept records can be exceedingly useful for purposes of litigation, tax audits,

defense against insurance and other claims, proof of compliance with laws, as well as for marketing and financial planning and other purposes. Thus, carriers have very strong incentives to retain adequate records and there is no reason for the Commission to prescribe the minimum length of time carriers must preserve their records. Accordingly, we propose to rescind 49 CFR Part 1220.

At this time, we propose to eliminate the preservation of record rules for all modes of carriers. We request comments on whether we should differentiate between the modes in eliminating the record retention rules, for example, by eliminating the rules for one mode and retaining them for another. In the alternative, we request comments on whether any specific type of record, peculiar to Commission practice, should be required to be retained by carriers.

We invite public comment on our proposed elimination of the preservation of records rules. Within 60 days after the deadline for filing comments, we will issue a final decision.

Regulatory Flexibility Act Analysis

The proposed rescission of 49 CFR Part 1220 will have a significant economic impact upon a substantial number of small entities. The economic impact is beneficial because it gives carriers more autonomy in deciding which records to keep and for how long. The elimination of this part also frees carriers from the burdens of performing other related formalities. This proposal should reduce the expense and burden of recordkeeping.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

List of Subjects in 49 CFR Part 1220

Freight forwarders, maritime carriers, motor carriers, railroads, reporting and recordkeeping requirements.

(49 U.S.C. 10321 and 11145 and 5 U.S.C. 53)

Decided: November 29, 1983.

By the Commission, Chairman Taylor, Vice
Chairman Sterrett, Commissioners Andre and
Gradison.

James H. Bayne,
Acting Secretary.

[FR Doc. 84-2172 Filed 1-26-84; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 49, No. 19

Friday, January 27, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Declaration of Extraordinary Emergency Because of Avian Influenza

Serious outbreaks of avian influenza have recently occurred in poultry in New Jersey and Pennsylvania. These outbreaks were caused by forms of H5 avian influenza virus initially found in poultry in Pennsylvania in 1983. Further, it appears that all forms of H5 avian influenza that have resulted from the virus found in poultry in Pennsylvania in 1983, including highly pathogenic avian influenza and other forms of avian influenza, are capable of causing extremely high levels of morbidity and mortality in poultry. Such a serious outbreak of avian influenza has not occurred in the United States since 1929.

Previously, notices of declarations of extraordinary emergencies were issued because of highly pathogenic avian influenza in New Jersey and Pennsylvania. This document supercedes those notices.

Avian influenza resulting from the H5 avian influenza virus found in poultry in Pennsylvania in 1983 is a dangerous communicable disease of poultry and it is hereby determined that an extraordinary emergency exists because of outbreaks of the disease in New Jersey and Pennsylvania and that such outbreaks threaten the poultry of the United States, constitute a real danger to the national economy, and seriously burden interstate and foreign commerce. It is further determined that adequate measures to control such outbreaks cannot be taken by New Jersey and Pennsylvania. This declaration of extraordinary emergency authorizes the Secretary to seize, quarantine, and dispose of, in such manner as he deems necessary, any animals which he finds are or have been affected with or

exposed to such disease, and carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating such disease and otherwise to carry out the provisions and purposes of the Act of July 2, 1962, (21 U.S.C. 134-134h). The Secretary of Agriculture of New Jersey and the Commissioner of Agriculture of Pennsylvania have been informed of these facts.

Further, in accordance with the provisions of the Act of September 25, 1981, 95 Stat. 953 (7 U.S.C. 147b); section 11 of the Act of May 29, 1884, 23 Stat. 33, as amended (21 U.S.C. 114a); and the provisions of the appropriation items for the Animal and Plant Health Inspection Service in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1983 (Pub. L. 97-370) as extended by House Joint Resolution, H.J. Res. 368, 98th Cong., 1st Sess. (97 Stat. 733)(1983), and any additional appropriations enacted into law, I authorize the use of the funds available under the said appropriation items for all proper purposes in a program conducted independently or in cooperation with States and political subdivisions thereof, farmers' associations, and similar organizations and individuals, to control and eradicate the disease wherever found.

Dated: January 25, 1984.

John R. Block,
Secretary of Agriculture.

[FR Doc. 84-2448 Filed 1-25-84; 2:35 pm]

BILLING CODE 3410-01-M

Food and Nutrition Service

[Amdt. No. 241]

Food Stamp Program: Policy Interpretation Response System

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: On August 20, 1982, a notice was published in the Federal Register requesting comments on proposed revisions to the Policy Interpretation Response System currently being used by the Food Stamp Program. This final action addresses the comments received on the proposed Operational Guidance System and establishes a revised system.

EFFECTIVE DATE: January 27, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Russ Gardiner, Supervisor, Policy Support Section, Policy Support and Training Branch, Program Planning, Development, and Support Division, Family Nutrition Programs, Food and Nutrition Service, Alexandria, Virginia 22302, telephone (703) 756-3457.

SUPPLEMENTARY INFORMATION:

OMB Submittal

This final action does not contain reporting and recordkeeping requirements subject to approval by OMB under the Paperwork Reduction Act.

Regulatory Flexibility Act

The Administrator of the Food and Nutrition Service (FNS) has certified that this final action will not have a significant economic impact on a substantial number of small entities. This action will mainly affect State and local agencies which administer the Food Stamp Program.

Classification

This final action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been classified not major because the provisions will not result in: 1) An annual effect on the economy of \$100 million or more; 2) A major increase in costs or prices for consumers, individual industries; Federal, State, or local government agencies; or geographic regions; or 3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the Department has determined that this notice is not a major rule.

Background

The Food Stamp Program is required by law to have National eligibility standards. The standards are set forth clearly in regulations. Experience has shown, however, that differing interpretations of the regulatory standards can result in inconsistent and incorrect standards being applied by the various States. Thus, there is a need to interpret or clarify the meaning of and

correct application of the National standards.

Subsequent to enactment and implementation of the Food Stamp Act of 1977, a policy system was developed internally to facilitate responding to the substantial number of Regional and State inquiries. Both because of FNS' concern about public notification and because of the need for a system for keeping track of the inquiries, FNS developed a formal policy response system, the Policy Interpretation Response System (PIRS). A notice describing this system was published for public comment in the *Federal Register* on December 26, 1979, (44 FR 76329) and a final notice was published on August 1, 1980. These notices should be referred to for background information. The system provides a mechanism for identifying those issues of such importance as to require regulatory amendment. For those issues which are more limited in scope, the system provides a mechanism for identification and quick handling in the form of policy memoranda.

As the Department began to use the PIRS, there was concern regarding the amount of time necessary to provide indexed responses. Initially, there were delays due to the newness of the system and the substantial backlog of inquiries from the 1978 regulations. However, within a year, the problem of lengthy response time was substantially resolved and the majority of responses were and are provided promptly.

Another area of concern was the timing for implementation of the substance of these interpretations. In as much as policy memoranda reflected explanations and clarifications of existing regulatory requirements, and were not new policy, the Department's position was that the memoranda should be effective upon release. However, for those State agencies that needed to change their procedures, the Department provided a 30-day period before charging the States with quality control errors based on the policy memoranda.

Additionally, there were concerns about the volume of memoranda being released. This was attributed again to the backlog from the 1978 regulations and the newness of many of the program requirements.

Changes to the system itself were proposed in the *Federal Register* on August 20, 1982 (47 FR 36463). The proposed changes signaled that fewer questions would need to be handled through a formal system. Mandatory policy would be established only where national consistency in applying a particular regulatory requirement was critical. The agency would continue to

review inquiries to identify those which would necessitate a regulatory change. The proposal would also have established timeframes for State implementation. This was intended to provide a reasonable time for making changes to State manual materials, and a consistent understanding of when State agency actions would be reviewed against a particular policy.

Nineteen comment letters were received in response to the August 20 notice. These letters came primarily from State agencies administering the Food Stamp Program. Additionally, five Regional Offices and one public interest group provided comments.

System

As a result of the comment letters and informal discussions with State agency personnel, the need for a formal system was clearly affirmed.

The original system classified inquiries into four categories:

1. Inquiries that require rulemaking;
2. Inquiries that embody interpretation of the Act or regulation, or statements of policy of major importance and general applicability and that require publication as a notice in the *Federal Register*;
3. Inquiries that embody interpretations or clarifications of the Act or regulations of a limited nature, or dealing with particular factual situations which are common to a group of households which are responded to by an indexed policy memorandum; and
4. Inquiries that can be answered by direct reference to the Act or regulations or refer to the application of the regulations to the factual circumstances of a particular household.

The August 20, 1982 notice proposed that requests for regulatory clarification which have national application be placed into two classes.

1. Inquiries that require rulemaking; and
2. Inquiries that require clarifications of existing rules that do not provide latitude for deviation and must, therefore, be handled consistently by all States agencies.

There are very few issues which require publication of a *Federal Register* notice. Therefore, it was proposed that the second category of inquiries be removed. Inquiries that can be addressed by direct reference to the regulations or involve a particular household were also removed because of their limited applicability. Some of the comments indicated a misunderstanding as to why these categories were deleted. While the categories would have been removed from the system, FNS would still have

considered these options as appropriate even though they were not part of the system.

To make it clear that all of the original four categories will be retained in concept, the Department has decided to list them as part of the system. The Department has, however, changed the wording of the categories slightly to more accurately reflect the intent. Since the current system is being retained with only minor modifications, the Department has decided not to change the name of the system. It will continue to be referred to as the PIRS system.

An overwhelming majority of the commentors supported streamlining the system so that States would have to incorporate less material into their manuals. This is consistent with the Administration's goals of simplifying the program, providing State agencies with more flexibility in procedural areas and reducing paperwork. The Department believes this can be done within the existing framework. Much of this goal has already been accomplished as the need for and numbers of policy memoranda issued have declined. Specifically, between January 1979 and October 1980, some 400 indexed policy memoranda were issued. In Fiscal Year 1981, 65 were issued. Many of these have become obsolete with regulatory changes or have been withdrawn, as it was determined a policy memorandum was not really needed. In Fiscal Year 1982, 29 memoranda were issued. As of March 17, 1983, a total of 210 policy memoranda were in effect. Some of these will be deleted from the index as subsequent regulations are published and as opportunities for State agency discretion and flexibility increase.

One commenter suggested an alternative system which would require the inclusion of policy guidance in the body of the regulations. The Department believes such a system would be unwieldy and would not allow for timely responses.

Two commenters requested that an explanation of the procedures for routing and classifying inquiries be provided. There is no change from the current method, but an explanation has been added for clarity. Additionally, some concern has been raised about the proper classification of inquiries. State agencies and Regional Offices are encouraged to recommend a category for each inquiry they submit. On inquiries transmitted to the National Office, a final decision on the appropriate level of response will be made by the National Office.

Two commenters requested clarification on how the current category

3 policy memoranda would be classified under the new system. Existing category 3 memoranda will remain in effect. As noted above, all four categories have been retained.

Some commenters indicated that the 60-day implementation period would not be sufficient, and several recommended the period be extended to 90 days. Others recommended the implementation period be tied to State Administrative Procedures Act (APA) requirements and that less than 60 days, in any case, would be impossible to meet. Two commenters expressed concern that establishing an implementation period for policy memoranda implies that the issues being addressed are really regulatory in nature. One commenter indicated that no implementation period should be provided, as a State agency is not of compliance with regulations until it amends its procedures to comply with the Department's guidance.

The Department believes that in most cases State agencies will already be following procedures in line with the guidance provided. Where this is not the case, it is reasonable to allow some time for a State agency to make any necessary revisions. It should not be implied that this is the result of a change in program requirements, but is only the result of an incorrect interpretation of existing requirements.

The Department has decided to make the policy memoranda effective upon release and to continue its current policy of not holding States liable for quality control errors based on these memoranda for up to 30 days after transmittal of the memoranda to the State. FNS may, however, extend the grace period to 45 days in an individual policy memorandum when complex issues are involved.

One commenter also expressed concern about the implementation timeframes for inquiries classified in category 1, requiring rulemaking. This will vary depending upon the rulemaking which contains the response.

Lastly in the area of implementation, two commenters asked how often the policy memoranda would be distributed. Category 3 memoranda will be distributed as prepared, on an as-needed basis rather than periodically. Once a question has been raised by a State agency, the Department believes the answer should be provided as soon as possible. Additionally, the Department has chosen not to adopt the suggestion by one commenter that indexed policy memoranda be provided concurrently to FNS Regional Offices and State agencies. The Department believes it is important for FNS Regional

Offices to first review such memoranda in order to insure that they are adequately and appropriately addressed to the concern raised, not only in the State asking the question but possibly in respect to other States as well.

One commenter requested clarification as to how the indexed policy memoranda are to be retained by State agencies. As is currently the procedure for policy memoranda, State agencies may add the material to the body of the State manual, but they are not required to do so. As long as the information is provided to the appropriate personnel, the State agency may choose the method of dissemination.

Based on comments received, the Department has decided to include inquiries concerning the QC system and the Management Evaluation (ME) system through the PIRS the same as all other inquiries. Category 3 response on QC and ME procedures that must be applied nationwide will be identified by referring to Section 275 of the regulations.

A list of category 3 memoranda will continue to be included in the first section of the quarterly FNS Index of Records which is available to the public.

The PIRS system is revised to read as follows:

Policy Interpretation Response System

All policy inquiries in the areas of eligibility, issuance, general program guidelines, quality control, and management evaluation which are submitted by State agencies to the Food and Nutrition Service (FNS) will be screened and responded to in accordance with the four categories listed below.

1. Inquiries that require rulemaking. This class includes those issues which are not addressed by existing provisions in the Act or regulations.

2. Inquiries that are of sufficient importance or widespread applicability and that FNS believes should be given special emphasis. These interpretations or clarifications will be published as notices in the *Federal Register*.

3. Inquiries that can be answered through particularized interpretations or clarifications of the Act or regulations. These responses will explain the proper application of particular regulatory requirements in situations which could arise in any State. These clarifications of regulations must be applied in similar circumstances by all State agencies to ensure nationwide consistency. Responses to these inquiries will be distributed to all State agencies in the form of indexed Policy Memoranda.

4. Inquiries that can be answered by direct reference to the Act or regulations or refer to the application of regulations to the factual circumstances of a particular household. Responses to such inquiries will be made only to the State initiating the inquiry, either orally or in writing as appropriate.

State agencies should submit all inquiries to the appropriate Regional Office. At that time, the State may suggest a proper classification to expedite the processing, but the Regional Office will have responsibility for categorizing inquiries. The Regional Office will refer inquiries to the National Office as appropriate.

The National Office will provide copies of category 3 responses to FNS Regional Offices for distribution. The memoranda will be numbered sequentially by fiscal year and refer to the relevant regulatory provision. A list of the numbers and subjects of the category 3 policy memoranda will be included in the quarterly FNS Index of Records which is available to the public.

Category 3 procedures are effective upon release. However, FNS will not hold States liable for quality control errors based on category 3 memoranda for up to 30 days.

(19 Stat. 958 (7 U.S.C. 2011-2029))

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: January 20, 1984.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 84-2387 Filed 1-26-84; 6:45 am]

BILLING CODE 3410-30-M

Availability of Surplus Commodities

Correction

In FR Doc. 84-1784 appearing on page 2904 in the issue of Monday, January 23, 1984, make the following correction: In the middle column, in the third complete paragraph, the entry for butter should read "Butter—144 million pounds".

BILLING CODE 1505-01-M

Forest Service

Northwest Region; Ochoco National Forest Grazing Advisory Board; Meeting

The Ochoco National Forest Grazing Advisory Board will meet at 10:00 a.m., April 13, 1984, in the Forest Supervisor's Office, Federal Building, Prineville, Oregon.

The purpose of this meeting is to discuss subjects concerning the development of allotment management

plans and utilization of range betterment funds as presented by board members, permittees, and the general public.

The meeting will be open to the public. Persons who wish to attend should notify Jack Royle, P.O. Box 490, Prineville, Oregon 97754; phone (503) 447-6247. Written statements may be filed with the committee before or after the meeting.

Dated: January 17, 1984.

William L. McCleese,
Forest Supervisor.

[FR Doc. 84-2290 Filed 1-26-84; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Calumet Township; Florida Location Flood Prevention RC&D Measure, Michigan

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Calumet Township-Florida Location RC&D Measure, Houghton County, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. A contact has been made with the State Historical Preservation Officer and concludes that it will have no effect on any cultural resources either eligible for or listed on the National Register of Historic Places. The State Archaeologist will be contacted if any land disturbance associated with this project and archaeological sites, features, or materials are encountered during actual construction. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of measures for flood prevention. The planned works of improvement include the following items: 1,500 feet of diversion, 1,850 feet of outlet channel, 1.7 acres of clearing and grubbing, and 7.7 acres of seeding. Total construction cost is estimated to be \$53,800, of which RC&D funds will pay 100%.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the *Federal Register*.

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: January 19, 1984.

Homer R. Hilner,
State Conservationist.

[FR Doc. 84-2298 Filed 1-26-84; 8:45 am]

BILLING CODE 3410-16-M

Bellingham Plant Materials Land Exchange; Bellingham, Washington

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bellingham Plant Materials Land Transfer, Whatcom County, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn A. Brown, State Conservationist, Soil Conservation Service, Room 360 U.S. Courthouse, Spokane, Washington 99201; telephone 509-456-3711.

SUPPLEMENTARY INFORMATION: The environmental assessment of this land exchange action indicates that the

transfer will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Lynn A. Brown, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The planned action consists of exchanging the existing 60-acre nursery site, having an urban location in the City of Bellingham, of which the United States Department of Agriculture, Soil Conservation Service, has clear title for 14.48 acres and a restricted deed with a reversionary clause for 45.35 acres, and related nursery buildings to the Trillium Corporation for fee simple ownership with an unencumbered title to 60 acres and other considerations associated with nursery operations, having a rural location on the Siper Road, one mile north of Nugent's Corner and the Mt. Baker Highway, Whatcom County, Washington.

The Finding of No Significant Impact (FONSI) has been forwarded to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Lynn A. Brown.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the *Federal Register*.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: January 20, 1984.

Lynn A. Brown,
State Conservationist.

[FR Doc. 84-2296 Filed 1-26-84; 8:45 am]

BILLING CODE 3410-16-M

Horseneck Point Critical Area Treatment Measure Resource Conservation and Development Program, Massachusetts; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40

CFR Part 1500); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Horseneck Point Critical Area Treatment Measure, Bristol County, Massachusetts.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of the findings, Rex O. Tracy, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns controlling erosion and sedimentation on a 65 acre parcel located at the southernmost end of the town of Westport as described in the Horseneck Point Critical Area Treatment RC&D Measure Plan. The planned works of improvement include the planting of approximately seven acres of beachgrass, and the installation of 300 feet of sand fence, 8 boulders (Boulder Barrier) and 1 permanent gate.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Rex O. Tracy.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the *Federal Register*.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Executive Order 12372 "Intergovernmental Review of Federal Programs," issued July 14, 1982, and amended April 8, 1983 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: January 20, 1984.

Rex O. Tracy,
State Conservationist.

[FR Doc. 84-2297 Filed 1-26-84; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[84-1-86]

Application of Atlantic Gulf Airlines, Inc. for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause 84-1-86.

SUMMARY: The Board is proposing to find Atlantic Gulf Airlines, Inc. fit, willing, and able and to issue a certificate of public convenience and necessity to it authorizing scheduled interstate and overseas air transportation of persons, property, and mail between all points in the United States, its territories and possessions.

DATES: Objections: All interested persons having objections to the Board issuing the proposed certificate shall file, and serve upon all persons listed below no later than February 10, 1984, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 41790 and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Carolyn S. Kramp, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5090.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-1-86 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-1-86 to that address.

By the Civil Aeronautics Board: January 20, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-2375 Filed 1-26-84; 8:45 am]

BILLING CODE 6320-01-M

[Order 84-1-84; Docket 41696]

Application of Hawaiian Pacific Airlines for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order instituting the Hawaiian Pacific Airlines Fitness Investigation, 84-1-84, Docket 41696.

SUMMARY: The Board is instituting an investigation to determine the fitness of Hawaiian Pacific Airlines to engage in interstate and overseas scheduled charter air transportation of persons, property, and mail.

DATES: Persons wishing to intervene and/or proposing to request additional evidence in the Hawaiian Pacific Airlines Fitness Investigation shall file

their petitions in Docket 41696 by February 27, 1984.

ADDRESSES: Requests for additional evidence and petitions to intervene should be filed in Docket 41696 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Joseph W. Bolognesi, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-1-84 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-1-84 to that address.

By the Civil Aeronautics Board: January 20, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-2376 Filed 1-26-84; 8:45 am]

BILLING CODE 6320-01-M

[Order 84-1-68]

Fitness Determination of William L. Perry d.b.a. Maine Instrument Flight School

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 84-1-68, Order to Show Cause.

SUMMARY: The Board is proposing to find that William L. Perry d.b.a. Maine Instrument Flight is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than February 8, 1984, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Joseph W. Bolognesi, Bureau of

Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-1-68 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-1-68 to that address.

By the Civil Aeronautics Board: January 18, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-2373 Filed 1-26-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41637]

National Express Fitness Investigation; Hearing

Notice is hereby given that a hearing

in the above-titled matter is assigned to commence on February 13, 1984, at 10:00 a.m. (local time), in Room 1027, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

Dated at Washington, D.C., January 23, 1984.

William A. Kane, Jr.,
Administrative Law Judge.

[FR Doc. 84-2371 Filed 1-26-84; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Filed under subpart Q of the board's procedural regulations (See, 14 CFR 302.1701 et seq.).

Week Ended January 20, 1984.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Jan. 16, 1984	41944	Pilgrim Aviation & Airlines, Inc., Inc. dba Pilgrim Airlines, c/o Theodore I. Seamon, Seamon, Wasko & Ozment, 1211 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036. Application of Pilgrim Aviation & Airlines, Inc., pursuant to section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations applies for authority to engage in interstate and overseas scheduled air transportation of persons, property, and mail between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States.
Do	41946	Conforming Applications, Motions to Modify Scope and Answers may be filed by February 13, 1984. Federal Express Corporation, c/o Nathaniel P. Breed, Jr., Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036. Application of Federal Express Corporation pursuant to section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations applies for a certificate of public convenience and necessity authorizing it to engage in scheduled foreign air transportation with respect to property and mail on a permissive basis over the following route: (1) Between a point or points in the United States, Puerto Rico, and the Virgin Islands, on the one hand, and a point or points in: Algeria, *Austria, Bahrain, *Belgium, *Denmark, Egypt, *France, *Federal Republic of Germany, Greece, India, *Ireland, Israel, *Italy, Kenya, Kuwait, Liberia, Libya, Luxembourg, *The Netherlands, Nigeria, Oman, Pakistan, Poland, Portugal, Romania, Senegal, South Africa, *Spain, *Sweden, *Switzerland, Syria, Tunisia, Turkey, United Arab Emirates, United Kingdom, Yugoslavia, Zimbabwe on the other hand; and * (2) Between the coterminal points Seattle, WA; Portland, OR; Denver, CO; Minneapolis/St. Paul, MN; Cleveland, OH; Detroit, MI; Buffalo, NY; Syracuse, NY; Rochester, NY; and Memphis, TN, and the coterminal points Montreal, Quebec; Toronto, Ontario; Winnipeg, Manitoba; Calgary and Edmonton, Alberta; and Vancouver, British Columbia. Conforming Applications, Motions to Modify Scope and Answers may be filed by February 13, 1984.
Jan. 19, 1984	41950	Transavia Holland B.V., c/o John J. McLaughlin, Poston, Taylor & McLaughlin, Suite 400, 313 Park Avenue, Falls Church, Virginia 22046. Application of Transavia Holland B.V., pursuant to section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to renew its aforesaid permit to authorize it, on a permanent and/or temporary basis, to engage in charter foreign air transportation, subject to such terms, conditions and limitations as the public interest may require, as follows: (a) Charter flights with respect to persons and their accompanied baggage between any points in the Netherlands and any point or points in the United States. (b) Planetload charter flights with respect to property between any point or points in the Netherlands and any point or points in the United States. (c) Inclusive tour charter flights with respect to persons and their accompanied baggage between any point or points in the Netherlands and any point or points in the United States. (d) Circle tour charter flights, including: one-stop, two-stop and three-stop inclusive tour charters, travel group charter, special events charter, affinity group charter, single entry charter, study group charter, advance-booking charter, with respect to persons and their accompanied baggage which originate and terminate at a point or points in the Netherlands and serve a point or points in the United States and a point or points in any country other than the Netherlands and the United States. (e) Charter flights (including inclusive tour charter with respect to persons and their accompanied baggage between any point or points in Algeria, Austria, Belgium, Bulgaria, Cyprus, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, Greece, Ireland, Italy, Kenya, Lebanon, Luxembourg, Malta, Morocco, Netherlands Antilles, Norway, Portugal, Spain, Sweden, Switzerland, Tanzania, Turkey, Uganda, United Kingdom, Great Britain and Northern Ireland, Yugoslavia and Zambia, and any point or points in the United States, limited to charter flights which originate in a named country other than the United States. (f) Circle tour charter flights, including: one-stop inclusive tour charter, three-stop inclusive tour charter, travel group charter, special events charter, affinity group charter, advance-booking charter, with respect to persons and their accompanied baggage which originate and terminate at a point or points in Algeria, Austria, Belgium, Bulgaria, Cyprus, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, Greece, Ireland, Italy, Kenya, Lebanon, Luxembourg, Malta, Morocco, Netherlands Antilles, Norway, Portugal, Spain, Sweden, Switzerland, Tanzania, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, Yugoslavia and Zambia, and serve a point or points in the United States and a point or points in any country other than a named country and the United States. Answers may be filed by February 16, 1984.
Do	41951	Flight International Airlines, Inc., c/o James M. Burger, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036. Application of Flight International Airlines, Inc., pursuant to section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to provide foreign air transportation of persons, property, mail, as follows: (a) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Canada, on the other; (b) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Mexico, on the other;

Date filed	Docket No.	Description
		(c) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, and any other foreign place located in the Gulf of Mexico or the Caribbean Sea, on the other hand;
		(d) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in British Honduras, the Canal Zone, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, and in the countries on the continent of South America, on the other hand;
		(e) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and American Samoa, Guam, Johnson Island, the Marshall Islands, Okinawa, Wake Island, and points in Australia, Indonesia, and Asia as far west as longitude 70 degrees east via a transpacific routing, on the other hand;
		(f) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand.
Do	41951	Conforming Applications, Motions to Modify Scope and Answers may be filed by February 16, 1984. Flight International Airlines, Inc., c/o James M. Burger, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036. Application of Flight International Airlines, Inc., pursuant to section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate and overseas charter air transportation of persons, property, and mail: Between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States.
Do	41954	Conforming Applications, Motions to Modify Scope and Answers may be filed by February 16, 1984. Quebecair, c/o Robert Reed Gray, Hale Russell & Gray, 1025 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036. Application of Quebecair pursuant to section 402 of the Act and Subpart Q of the Board's Procedural Regulations applies for renewal of its foreign air carrier permit conferring limited fifth freedom charter authority (issued pursuant to Order 79-1-124) and asks that such renewal be accomplished through show cause or other expedited procedures.
Jan. 20, 1984	41725	Answers may be filed by February 16, 1984. Pacific Air Express, Inc., c/o Stephen A. Alterman, 1050 Seventeenth Street NW., Twelfth Floor, Washington, D.C. 20036. Supplemental Exhibits of Pacific Air Express, Inc.
Jan. 6, 1984	41888	Answers may be filed by February 17, 1984. C.A.L. Cargo Air Lines Ltd., c/o Melvin Rishie, Fried, Frank, Harris, Shriver & Kampleman, 600 New Hampshire Ave., NW., Suite 1000, Washington, D.C. 20037. Amended Application of C.A.L. Cargo Air Lines Ltd. for a Foreign Air Carrier Permit. Answers may be filed by February 3, 1984.

Asterisks (*) denote existing authority held by Federal Express.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-2372 Filed 1-26-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41864]

United States-Venezuela All-Cargo Proceeding; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to commence on March 27, 1984, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Ave., NW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., January 23, 1984.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 84-2374 Filed 1-26-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: School Enrollment Report
Form numbers: Agency—P-3, P-4;
OMB—0607-0173

Type of request: Extension of a currently approved collection

Burden: 110 respondents; 55 reporting hours

Needs and uses: School enrollment data is needed to produce annual estimates of the population of states for application to current Federal programs. The data are used to estimate population migration and to estimate total state population.

Affected public: State or local governments (educational agencies) non-profit institutions (educational agencies)

Frequency: Annually
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395-4814.

Agency: Bureau of the Census
Title: Cotton Ginned
Form numbers: Agency—CAG-1A et. al.;
OMB—0607-0015 and 0607-0016

Type of request: Revision of a currently approved collection

Burden: 2,332 respondents; 4,198 reporting hours

Needs and uses: Survey is used to collect data on current cotton ginnings. Data are needed by the U.S. Department of Agriculture in making cotton product production, classification, and production cost estimates.

Affected public: Businesses or other for-profit organizations, small businesses or organizations

Frequency: On occasion, monthly
Respondent's obligation: Mandatory
OMB desk officer: Timothy Sprehe, 395-4814.

Agency: Bureau of the Census
Title: Report of Building or Zoning Permits Issued and Local Public Construction

Form numbers: Agency—C404; OMB—0607-0094

Type of request: Extension of a currently approved collection

Burden: 17,200 respondents; 25,900 reporting hours

Needs and uses: Information collected provides detailed geographic data to planners, policymakers, economists, and others. The data are used to prepare monthly estimates and annual totals of the number and value of residential buildings and housing units, nonhousekeeping residential (hotels and motels), and nonresidential construction authorized by building permits.

Affected public: State or local governments

Frequency: Monthly, annually
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395-4814.

Agency: Bureau of Economic Analysis
Title: Transactions of U.S. Affiliate, Except an Unincorporated Bank, with Foreign Parent

Form numbers: Agency—BE-605;

OMB—0608-0009

Type of request: Revision of a currently approved collection

Burden: 3,500 respondents; 14,000 reporting hours

Needs and uses: This survey secures data on current and capital account transactions between foreign persons and U.S. business enterprises, except banking branches and agencies, in which they have an equity interest of 10 percent or more. These data are required for the preparation of the balance of payment accounts of the United States.

Affected public: Businesses or other for-profit institutions

Frequency: Quarterly

Respondent's obligation: Mandatory

OMB desk officer: Timothy Sprehe, 395-4814.

Agency: Bureau of Economic Analysis

Title: Transactions of U.S. Banking

Branch or Agency with Foreign Parent

Form numbers: Agency—BE-606B;

OMB—0608-0023

Type of request: Revision of a currently approved collection

Burden: 325 respondents; 1,300 reporting hours

Needs and uses: This survey secures data on current and capital account transactions between foreign persons and unincorporated U.S. banks in which they have an equity interest of 10 percent or more. These data are required for the preparation of the balance of payments account of the United States.

Affected public: Businesses or other for-profit institutions

Frequency: Quarterly

Respondent's obligation: Mandatory

OMB desk officer: Timothy Sprehe, 395-4814.

Agency: International Trade Administration (ITA)

Title: Information Services Order Form

Form numbers: Agency—ITA-4096P;

OMB—0625-0046

Type of request: Revision of a currently approved collection

Burden: 20,500 respondents; 6,750 reporting hours

Need and uses: The Office of Trade Information Services manages export marketing information programs and services for ITA. This form is used to identify what the clients interests and needs are so that ITA can provide a useful end product for the client.

Affected public: State of local governments; businesses or other for-profit organizations, federal agencies or employees, small businesses or organizations

Frequency: On occasion

Respondent's obligation: Required to obtain or retain a benefit

OMB desk officer: Ken Allen, 395-3785

Agency: National Oceanic and

Atmospheric Administration

Title: Oceanic Gamefish Investigations

Big Game Fishing Log

Form numbers: Agency—NOAA-88-904;

OMB—0648-0031

Type of request: Extension of the

expiration date or a currently

approved collection

Burden: 1,515 respondents; 500 reporting hours

Needs and uses: Data are used to assess the status of billfish populations and propose management strategies through international commissions for the conservation of these species.

Affected public: Individuals or

households

Frequency: On occasion

Respondent's obligation: Voluntary

OMB desk officer: Ken Allen, 395-3785.

Agency: National Oceanic and

Atmospheric Administration

Title: Monthly Cold Storage Fish Report

Form numbers: Agency—NOAA-88-16;

OMB—0648-0015

Type of request: Extension of the

expiration date of a currently

approved collection

Burden: 340 respondents; 1,700 reporting hours

Needs and uses: This form is used to collect information on the quantity of fish and shellfish in cold storage in the United States. The information is used by the National Marine Fisheries Service for fishery management and development purposes and by industry for the distribution and purchase of fishery products.

Affected public: Businesses or other for-profit organizations, small businesses or organizations

Frequency: Monthly

Respondent's obligation: Voluntary

OMB desk officer: Ken Allen, 395-3785

Agency: National Oceanic and

Atmospheric Administration

Title: Financial Reports and Application

for Grant-in-Aid

Form numbers: Agency—NOAA-36-29

et al.; OMB—0648-0102

Type of request: Revision of a currently

approved collection

Burden: 140 respondents; 2,540 reporting hours

Needs and uses: The application for grant-in-aid funds is used to determine respondent eligibility and project merit. Financial reports are used to request reimbursement or advance or to report expenditures.

Affected public: State or local governments, businesses or other for-profit organizations

Frequency: On occasion

Respondent's obligation: Required to

obtain or retain a benefit

OMB desk officer: Ken Allen, 395-3785.

Agency: National Oceanic and

Atmospheric Administration

Title: Pacific Tuna Fisheries

Form numbers: Agency—N/A; OMB—

N/A

Type of request: Existing collection in use without an OMB control number

Burden: 200 respondents; 1,910 reporting

hours

Needs and uses: Data are used by the National Marine Fisheries Service and the Inter-American Tropical Tuna Convention biologists in determining the effects of fishing on tuna abundance. Results of the biological analyses are used to recommend management measures so that tuna stocks can be maintained at "maximum sustainable yield" levels.

Affected public: Businesses or other for-profit organizations, small businesses or organizations

Frequency: On occasion, weekly

Respondent's obligation: Mandatory

OMB desk officer: Ken Allen, 395-3785.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 84-2302 Filed 1-26-84; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

Elemental Sulphur From Canada; Revocation of Antidumping Finding in Part

Correction

In FR Doc. 84-1109 beginning on page 1920, in the issue of Monday, January 16, 1984, make the following corrections:

1. On page 1920, third column, first complete paragraph, first line, "we are not" should read "we are now".
2. Same paragraph, last line insert a period after "Limited".
3. Same column, under "FOR FURTHER INFORMATION CONTACT", "Robert J.

Marenick" Should read "Robert J. Marenick".

BILLING CODE 1505-01-M

Stanford University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83-3. Applicant: Stanford University, Stanford, CA 94305. Instrument: Centerless Grinder, Type FB 40, Diamond Wheel and other Accessories. Manufacturer: Boccadora, S.A., Switzerland. Intended use: See notice at 47 FR 52488.

Comments: None received.

Decision: Denied. An instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The National Bureau of Standards advises in its memorandum of February 28, 1983 that there are domestic instruments that are scientifically equivalent to the foreign instrument for the applicant's intended use. (See § 301.5(d)(1) of the Regulations.)

The domestic instrument (available from Royal Master Grinders, Inc., Oakland, N.J.) is capable of handling specimens from 0.1 millimeters to 38.0 millimeters diameter which is significantly better than the foreign instrument's capability, 0.5 millimeters to 6.0 millimeters diameter.

The applicant claims on items 8.c.2. and 8.c.3. of form ITA-338P that "...the Royal Master machine is far larger than the Boccadora grinder, has higher operating costs and double the purchase cost" and that the Royal Master machine is "...too large to fit in our crystal fabrication shop." Section 301.2(s) states that:

Specifications of features (even if guaranteed) which afford greater convenience, satisfy personal preferences, accommodate institutional commitments or limitations, or assure lower costs of acquisition, installation, operation, servicing or maintenance are not pertinent.

It also states that:

Unless the applicant demonstrates it necessary for the accomplishment of its specific scientific purposes, the terms do not extend to such characteristics as size, weight

appearance, durability, reliability, complexity or (simplicity), ease of operation, ease of maintenance, productivity, versatility, "state of the art" design, specific design, or other such characteristics.

and that:

The ability to fit an instrument into a small room, when the required operations could be performed in a larger room, would be either a cost consideration or a matter of convenience and not a pertinent specification.

In conclusion, since the specifications which we have determined pertinent to the applicant's scientific purposes can be met by a domestic instrument, duty-free entry of the foreign instruments is denied.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-2303 Filed 1-26-84; 8:45 am]

BILLING CODE 3510-DS-M

Associated Universities, et al; Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 82-00382R. Applicant: Associated Universities, Inc., National Radio Astronomy Observatory, Edgemont Road, Charlottesville, VA 22901. Instrument: Hydrogen Master Frequency Standard. Original notice of this resubmitted application was published in the *Federal Register* of November 15, 1982.

Docket No. 84-47. Applicant: Drexel University, 32nd & Chestnut Streets, Philadelphia, PA 19104. Instrument: Scanning Electron Microscope, Model JSM-35CF. Manufacturer: JEOL Ltd., Japan. INTENDED USE: Studies of aluminum alloys, as ingot castings, wrought alloys and atomized powders, nickel based alloy and tool steels, as

both cast ingots and atomized powders. The objectives in these various investigations will be to characterize the microstructure in the alloys in order to understand (a) the transformations that they have been subject to during processing—solidification, deformation, recrystallization, precipitation and (b) the resultant properties that the various microstructures display. Educational uses will include Ph. D. and M.S. thesis research by graduate students, Senior Thesis research by seniors and undergraduates and laboratory instruction of senior undergraduates in the techniques of materials characterization. Application received by Commissioner of Customs: December 15, 1983.

Docket No. 84-48. Applicant: Harvard Medical School, 25 Shattuck Street, Boston, MA 02115. Instrument: Electron Microscope, Model JEM-100CX with Accessories. Manufacturer: Jeol Co., Japan. Intended use: High resolution investigations of:

1. Cytochemical localization of neurotransmitter-related properties in the peripheral nervous system and examination of synaptic connections formed between tissue culture neurons.
2. Mapping of cholinergic synapses in the central nervous system, in particular in the visual system.
3. Mapping of neurotransmitter and cell type-related markers in the sensory system.
4. Mapping of monoamine and peptide terminals in the lobster invertebrate nervous system.

In addition, it will be used to train graduate and postgraduate students in electron microscopy. Application Received by Commissioner of Customs: December 15, 1983.

Docket No. 84-49. Applicant: University of Miami, Rosenstiel School of Marine & Atmospheric Science, 4600 Rickenbacker Cswy., Miami, FL 33149. Instrument: Oxygen Meter, Radiometers, Model #781b and Accessories. Manufacturer: Strathkelvin Instruments, Scotland. Intended use: Studies of respiration and photosynthesis of marine invertebrates, primarily corals and their zooxanthellae. Both laboratory and field experiments will be conducted to understand the effects of different experimental conditions (feeding frequency, light intensity, depth nutrient availability, etc.) on the metabolic functions. Application Received by Commissioner of Customs: December 15, 1983.

Docket No. 84-50. Applicant: The University of Texas Medical School at Houston, Department of Physiology & Cell Biology, 6431 Fannin (P.O. Box

20708), Houston, TX 77225. Instrument: Micromanipulator, Model PM 20N. Manufacturer: Biomedical Instrumente, West Germany. Intended use: Research—Examination in detail of the electrophysiology of carrier-mediated H transport by the urinary bladder of the freshwater turtle, *Pseudemys scripta* using recently developed electrophysiologic techniques. The results of the proposed studies will markedly advance the understanding of the mechanisms of H transport and its regulation at the membrane level. The instrument will make it possible to penetrate single cell membranes with the very fine tips of glass microelectrodes in order to make measurements of the voltage across the membrane. Application received by Commissioner of Customs: December 15, 1983.

Docket No. 84-51. Applicant: U.S. Department of Agriculture, Veterinary Toxicology & Entomology Res. Lab. (ARS), F & B Road, P.O. Drawer*GE, College Station, TX 77841. Instrument: Mass Spectrometer and Data System, Model MM 7250 HF and Accessories. Manufacturer: VG Analytical Ltd., United Kingdom. Intended use: Studies of compounds that are polar, have high molecular weight, and low volatility (e.g. polypeptides, glycopeptides, glycolipids, antibiotics, polar metabolites, and plant and microorganism natural products). The principal objective will be to characterize compounds by mass spectrometry. Initially the molecular weight of the compound of interest will be determined, followed by its molecular formula. Fragmentation data and linked scan experiments will aid in structure determination. This instrument will be used frequently in conjunction with the peptide work carried out at the laboratory. Application received by Commissioner of Customs: December 16, 1983.

Docket No. 84-52. Applicant: The University of Chicago, Department of Chemistry, 5735 S. Ellis Avenue, Chicago, IL 60637. Instrument: GC/Mass Spectrometer/Data System, Model 7250 EHF. Manufacturer: VG Analytical, United Kingdom. Intended Use: Studies of materials that range from difficult natural mixtures such as coal and oil to structurally complex organic compounds isolated from plants and animals to the non-natural organic, organometallic and inorganic compounds prepared in the laboratories of the investigators. The instrument will be used for essential analytical purposes in the following experiments:

- (1) Natural Product Identification.
- (2) The Synthesis of Novel Polycyclic Compounds.

(3) The Chemistry of Short Lived Organic Molecules.

(4) The Synthesis of Prostaglandins and Antitumor Agents.

(5) Coordination Chemistry and Homogeneous Catalysis.

(6) Organometallic Chemistry.

(7) Synthesis of Amino Acid and Peptide Esters of Cephalothin.

(8) The Structure and Reactivity of Bituminous Coal.

(9) The Synthesis of Natural Products and Enzyme Models.

(10) The Use of Chromium Carbene Complexes in Synthesis.

(11) Chemistry of Dimers of Aromatic Hydrocarbons.

Educational purposes in courses designed to prepare students to do independent research in chemistry and related fields in either industrial or academic laboratories. Application received by Commissioner of Customs: December 16, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-2304 Filed 1-26-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-432-013 and A-428-018]

Carbon Steel Plate From Belgium and the Federal Republic of Germany; Rescission of Notice Announcing Initiation of Antidumping Investigations and Dismissal of Petition

ACTION: Notice.

SUMMARY: We are rescinding our notice announcing antidumping investigations of carbon steel plate from Belgium and the Federal Republic of Germany (FRG) which we published on October 25, 1983, and we are dismissing the petition with respect to this merchandise. We have determined that the petitioner for these cases, the Gilmore Steel Corporation (Gilmore), cannot be said to have filed its petition on behalf of an industry.

EFFECTIVE DATE: January 26, 1984.

FOR FURTHER INFORMATION CONTACT: William Kane, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-1766.

SUPPLEMENTARY INFORMATION: On September 29, 1983, we received a petition from counsel for Gilmore. Gilmore, claiming to have filed its

petition on behalf of the domestic carbon steel plate industry, alleged that imports of carbon steel plate (plate-cut-to-length) and hot-rolled carbon steel sheet (plate-in-coil) from Belgium and the FRG are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring a United States industry. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate antidumping investigations. We announced initiation of the investigations on October 25, 1983 (48 FR 49322 and 49326), and notified the United States International Trade Commission (ITC) of this action so that it could determine whether imports of these products were materially injuring, or were threatening to materially injure a United States industry.

On November 7, 1983, the ITC determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of both carbon steel plate and hot-rolled carbon steel sheet from Belgium and the FRG.

On November 16, 1983, the Department rescinded its initiation notice and dismissed Gilmore's petition with respect to hot-rolled carbon steel sheet from Belgium and the FRG on the grounds that Gilmore did not produce this merchandise and did not have legal standing to file a petition against this merchandise (48 FR 52757).

Subsequently, the Department has determined that Gilmore's petition was not filed on behalf of a United States industry and that this earlier initiation was not well founded. This conclusion is based on the following facts, which came to light only after our initial decision to initiate.

At an ITC public conference held on October 26, 1983, Gilmore was the only producer of this merchandise to testify in support of the petition. Conversely, letters were submitted by Armco Inc., to the Department and by United States Steel Corp., to the ITC specifically indicating that these firms do not support Gilmore's petition. Given this absence of support from Armco Inc., and United States Steel Corp., the Department had reason, for the first time, to question whether the petition was, in fact, properly filed on behalf of a domestic industry, and asked other U.S. carbon steel plate producers if they supported Gilmore's petition. Written replies were received from: Bethlehem Steel Corp., Inland Steel Co., Jones and Laughlin Steel Inc., Lukens Steel Co.,

National Steel Corp., Phoenix Steel Corp., U.S. Steel Corporation and Republic Steel Corp. All of these—except Bethlehem, which did not take a position—indicated that they do not support Gilmore's petition.

Since Armco Inc., Bethlehem Steel Corp., Inland Steel Co., Jones and Laughlin Steel Inc., Lukens Steel Co., National Steel Corp., Phoenix Steel Corp., Republic Steel Corp., and United States Steel Corp., are believed by the Department to collectively account for well over 95 percent of the production of this merchandise in the United States, we have concluded that Gilmore's petition was not filed on behalf of an industry as required by section 732(b) of the Act. As such, our earlier initiations are in error and should be rescinded.

Although Gilmore had alleged that imports of this merchandise from the FRG had caused injury to a regional industry as defined in section 771(4)(C) of the Act, the conclusion of the ITC, as reflected in its report with respect to this merchandise (USITC Publication 1451 dated November 1983), contained only the views of Chairman Alfred Eckes on the regional injury question and did not include a determination that there was a regional industry or that there was a reasonable indication of injury to such a regional industry. Since the ITC did not decide whether a regional industry existed within the meaning of section 771(4)(C) of the Act, the Department cannot conclude that Gilmore has properly filed its petition on behalf of a regional industry.

Accordingly, we are rescinding our notice announcing investigations of hot-rolled carbon steel plate from Belgium and the FRG and dismissing Gilmore's petition with respect to this merchandise.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

January 23, 1984.

[FR Doc. 84-2381 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Shrimp/Stone Crab Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Commerce.

ACTION: Notice of public hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery

Conservation and Management Act (Pub. L. 94-265, as amended), will convene Shrimp/Stone Crab Public Hearings to discuss a proposed amendment to the Shrimp and Stone Crab Fishery Management Plans (FMPs). The amendment establishes a mechanism for resolution of a gear conflict between shrimp and stone crab fishermen off Pasco, Hernando and Citrus Counties, Florida, by providing procedures for creating fishing areas for shrimping or for crabbing. These fishing areas would be set for each season and may be modified during the season (October 5–May 20).

DATES: The hearings will be convened at 7:00 p.m., and will adjourn at approximately 10:00 p.m., on February 15–16, 1984.

ADDRESS: The February 15 hearing will take place at St. Benedict's Church, Annex, U.S. 19, Homosassa, Florida, and the February 16 hearing will take place at the Franklin County Court House, Main Street (U.S. 98), Apalachicola, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

January 24, 1984.

[FR Doc. 84-2367 Filed 1-26-84; 8:45 am]

BILLING CODE 3510-22-M

Fishery Market News Reports; Annual Subscription Rates

Notice is hereby given that annual subscription rates for Fishery Market News Reports will be increased as of February 1, 1984. The subscription rate for the full service report (issued Monday, Wednesday, and Friday) will be \$50 per year and the weekly summary, including the Friday report, will remain at \$20 per year. The current rate for full service is \$45. The rates for changing from a weekly to a full service report during a subscription year will be provided by the following issuing offices:

Boston, 470 Atlantic Avenue, First Floor, Rear, Boston, MA 02210
New York, 201 Varick Street, Room 1144, New York, NY 10014
New Orleans, 800 South Street, Room 1046, New Orleans, LA 70130
Terminal Island, 300 South Ferry Street, P.O. Box 3266, Terminal Island, CA 90731
Seattle, 7600 Sand Point Way N.W., BIN C15700, Seattle, WA 98115

Persons subscribing to these reports should make checks (drawn on a U.S. bank) and money orders, in U.S. dollars, payable to: U.S. Department of Commerce, NOAA. For further information contact Donald R. Whitaker (202) 634-7451.

Effective July 1, 1975, the National Marine Fisheries Service (NMFS) made the Fishery Market News Report available on a paid subscription basis (40 FR No. 69, April 9, 1975). Subscription rates for the report were established to recover the expenses for printing, distribution, and mailing of the reports, depreciation of equipment used to produce the reports, associated overhead charges, and postage. Collection of the data is conducted through the use of appropriated funds.

The last subscription rate increase for Fishery Market News Reports was in 1981. Increases in costs of supplies and labor since 1981 necessitate the need for the rate increase. The rates being charged represent the cost to the government only for providing the printed reports to its subscribers.

Dated: January 12, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 84-2335 Filed 1-26-84; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Permit Applications

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Receipt of Permit Applications.

SUMMARY: This document publishes for public review a summary of applications received by the Secretary of State requesting permits for foreign vessels to fish in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act).

ADDRESSES: Send comments on applications to: Fees, Permits and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 or, send comments to the following fishery management councils which review the applications, as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, (Route 1), Saugus, MA 01906, 617-231-0422.

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council,

Federal Building Room 2115, 300 South New Street, Dover, DE 19901, 302-674-2331.

David H. G. Gould, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407, 803-571-4366.

Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00918, 809-735-6910.

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 401 West Kennedy Blvd., Tampa, FL 33609, 813-228-2815.

Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, OR 97201, 503-221-6352.

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, 605 W. Fourth Avenue, Anchorage, AK 99510, 907-271-4064.

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, HI 96813, 808-523-1368.

FOR FURTHER INFORMATION CONTACT: Shirley Whitted or John D. Kelly (Fees,

Permits, and Regulations Division) 202-634-7432.

SUPPLEMENTARY INFORMATION: The Magnuson Act specifies that no fishing is allowed by foreign fishing vessels in the fishery conservation zone except in accordance with a valid and applicable permit issued under section 204 (16 U.S.C. 1801 *et seq.*).

The Magnuson Act also requires the Secretary of State to publish a notice of receipt of all applications for such permits summarizing the contents of the applications in the **Federal Register**. The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues this notice on behalf of the Secretary of State.

Individual vessel application for fishing in 1984 have been received between January 16, 1984, and January 26, 1984, from the government(s) shown below.

Dated: January 26, 1984.

Carmen J. Blondin,
Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service, NMFS.

Fishery codes and designation of regional councils which review

applications for individual fisheries are as follows:

Code, Fishery, and Regional Council

ABS Atlantic Billfishes and Sharks,
New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean
BSA Bering Sea and Aleutian Islands
Groundfish, North Pacific
GOA Gulf of Alaska, North Pacific
NWA Northwest Atlantic Ocean, New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean
SMT Seamount Groudfish (Pacific Ocean), Western Pacific
SNA Snails (Bering Sea), North Pacific
WOC Pacific Groundfish (Washington, Oregon, and California), Pacific
PBS Pacific Billfishes and Sharks, Western Pacific

Activity codes which specify categories of fishing operations applied for are as follows:

Activity Code and Fishing Operations

- 1—Catching, processing, and other support.
- 2—Processing and other support, only.
- 3—Other support, only.
- 4—"Joint Venture" in support if U.S. vessels.

Nation	Vessel name	Vessel type	Application No.	Fishery	Activity
Norway	Ole saetremyr	Medium stern trawler	No-84-0003	BSA	1

The government of Norway has applied for a fishing permit to engage in joint venture activities between Broedrehe Saetremyr, a Norwegian fishing company, and ocean trawl corporation, 955 Park Avenue, New York, New York. The application requests that 5,000 mt of Pacific cod and 2,000 mt of Alaska pollock harvested by a U.S. vessel in the transshipment to the foreign vessel between March and December 1984. The application also requests a permit for the foreign vessel to harvest identical amounts of Pacific cod and Alaska pollock.

For information of the readers, the receipt notice of two joint venture applications published in the *Federal Register* December 2, 1983, between Japan and Whitney-Fidalgo Seafoods, Inc., and Japan and Mr. Clinton E. Atkinson, was modified to include an additional vessels are the OHTORI MARU and CHIKUBU MARU respectively. A directed fishing permit application receipt notice was published in the *Federal Register* for these vessels on December 22, 1983.

[FR Doc. 84-2543 Filed 1-26-84; 11:57 am]
BILLING CODE 3510-22-M

National Technical Information Service

Intent to Grant; Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Hoffrel Instruments, Inc., having a place of business at 345 Wilson Avenue, South Norwalk, Connecticut 06854 an exclusive right to manufacture, use, and sell products embodied in the invention, "Realtime Two-Dimensional Mechanical Ultrasonic Sector Scanner with Electronic Control of Sector Width," U.S. Patent No. 4,106,492. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151.

Dated: January 19, 1984.

Douglas J. Campion,
Patent Licensing, Office of Government
Inventions and Patents, Department of
Commerce, National Technical Information
Service.

[FR Doc. 84-2295 Filed 1-26-84; 8:45 am]
BILLING CODE 3510-04-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1984; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1984 commodities to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: January 27, 1984.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On October 14, 1983, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (48 FR 46832) of proposed additions to Procurement List 1984, October 18, 1983 (48 FR 48415).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

- The actions will not result in any additional reporting, recordkeeping or other compliance requirements.
- The actions will have a serious economic impact on any contractors for the commodities listed.
- The actions will result in authorizing small entities to produce commodities procured by the Government.

Accordingly, the following commodities are hereby added to Procurement List 1984:

Class 8455

Medal, Good Conduct, Marine Corps: 8455-00-261-4501
Medal Set, Good Conduct, Air Force: 8455-00-082-5528

Medal Set, Good Conduct, Army: 8455-00-269-5764
Medal Set, WW II Victory: 8455-00-269-5782.
Medal Set, Women's Army Corps: 8455-00-269-5783
Medal Set, Army of Occupation, WW II: 8455-00-269-5763
Medal Set, Asiatic-Pacific Campaign: 8455-00-269-5782.

C. W. Fletcher,

Executive Director.

[FR Doc. 84-2327 Filed 1-26-84; 8:45 am]
BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

January 25, 1984.

Change of date in meeting of the USAF Scientific Advisory Board Ad Hoc Committee Study on the Feasibility of Air Force Logistics Command's Network Architecture published in *Federal Register* on January 17, 1984, 49 FR 2006. It will be held on 11 February 1984 (previously scheduled 10 February 1984). Everything else remains the same.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Harry C. Waters,

Alternate Air Force, Federal Register, Liaison Officer.

[FR Doc. 84-2429, Filed 1-27-84; 8:45 am]
BILLING CODE 3910-01-M

Department of the Army

Privacy Act of 1974; Amendments to and Deletion of Notices for Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Amendments to and deletion of notices for system notices.

SUMMARY: The Department of the Army is deleting the notice for one system and amending and updating the notices for five system of records subject to the Privacy Act of 1974. The significant changes are summarized below and the systems notices as amended are set forth below.

DATES: The amendment will be effective February 27, 1984, unless public comments are received which result in a contrary determination.

ADDRESS: Send comments to: The Adjutant General, Headquarters, Department of the Army, ATTN: DAAC-AMR-S, 2461 Eisenhower Ave., Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Dorothy Karkanen at the above address or telephone: 703/325-6163.

SUPPLEMENTARY INFORMATION: The Department of the Army notices for systems of records subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a) have been published in the Federal Register.

None of the changes require an altered system report (5 U.S.C. 552a(o)).

M. S. Healy,
OSD Federal Register Liaison Officer,
Department of Defense.

January 23, 1984.

Deletions

AO225.11aDAAG

System Name: Master Index (48 FR 25557, June 6, 1983).

Reason: In that this is only an index, it has been added to the notice for the relevant system of records, AO708.02aDAPC, which is set forth below.

Amendments

AO708.02aDAPC

System Name: Official Military Personnel File (48 FR 23686, May 26, 1983).

System Location:

A third paragraph to read as follows has been added:

"An automated index is maintained at the U.S. Army Reserve Components Personnel and Administrative Center showing the actual location of the official Military Personnel File of retired and separated service members".

Purposes:

Caption has been added and the purpose and uses of the information within the Department of Defense are set forth.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes for such Uses:

Purpose of the system and uses within DoD have been deleted as they are now listed in the *Purposes* caption. A routine use for disclosure of address information to military banking facilities overseas has been added.

AO708.03aDAPE

System Name: Special Review Board Appeal Case Summary File.

Categories of Individuals Covered by the System:

"Cases referred for promotion reconsideration" has been added.

Purposes:

Caption has been added and the purpose of the system and the uses of the information within DoD set forth.

Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses:

Purpose of the system and uses of the information within DoD deleted as they are now set forth under the *Purposes* caption.

AO91204DASG

System Name: Medical Staff Credential Files.

Purposes:

Caption has been added and the purpose of the system and the uses of the information within DoD set forth.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

The purpose for the system and the uses within the DoD have been deleted as they are set forth under the *Purpose* Caption.

Retention and Disposal:

Entry has been updated.

AO917.09aDAPE

System Name: Alcohol and Drug Abuse Rehabilitation Files.

Purposes:

Caption added and purpose of the system and uses of the information DoD set forth.

Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses:

Purpose of the system and the uses of the information within DoD deleted as they are set forth under the *Purposes* caption.

Notification Procedures:

Address has been updated.

A1010.07aTRADOC

System Name: Army School Files.

This system has been redesignated "A1005.01 TRADOC" and renamed "Junior ROTC/NDCC Instructor Files".

System Location:

Location of Army ROTC Regions have been set forth.

Purposes:

Caption has added and the purpose of the system and the uses of the information within DoD set forth.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

Purpose of the system and uses within DoD have been deleted as they are set forth under the *Purposes* caption.

Note that the ROTC Regions have been added to the *Records Access Procedures and Records Source Categories*.

AO708.02aDAPC

SYSTEM NAME:

Official Military Personnel File.

SYSTEM LOCATION:

Primary Location: Personnel Information Systems Directorate, U.S. Army Military personnel Center (MILPERCEN), 200 Stovall Street, Alexandria, VA 22332.

Secondary Location: U.S. Army Enlisted Records and Evaluation Center; U.S. Army Reserve Components Personnel and Administration Center; and National Personnel Records Center, General Services Administration.

An automated index exists at the U.S. Army Reserve Components Personnel and Administration Center showing physical location of the Official Military Personnel File of retired and separated service members.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each individual on active duty in the U.S. Army in enlisted, appointed, or commissioned status; and each individual who was an enlisted, appointed, or commissioner member of the U.S. Army and who was completely separated by discharge, death, or other termination of his/her military status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include enlistment contract; Veterans Administration benefit forms; physical evaluation board proceedings; military occupational specialty data; statement of service; qualification record; group life insurance election; emergency data; application for appointment; qualification/evaluation report; oath of office; medical examination; security questionnaire; application for retired pay; application for correction of military records; application for active duty; transfer or discharge report; active duty report; voluntary reduction; line of duty and misconduct determinations; discharge or separation reviews; police record checks; consent/declaration of parent/guardian; Army ROTC supplemental agreement; award recommendations; academic reports; casualty reports; U.S. field medical card; retirement points; deferments; pre-induction processing and commissioning data; transcripts of military records summary sheets; reviews of conscientions objector status applications; elections of options; oaths of enlistment; enlistment extensions; survivor benefit plans; efficiency reports; records of proceeding, Title 10 U.S.C. 815 appeal actions; determinations of moral eligibility; waiver of disqualifications; temporary disability records; changes of name; statements for enlistment; acknowledgements of service; retired benefits data; applications for review by

physical evaluations boards and disability boards; appointments; designations; evaluations; extensions; birth certificates; photographs; citizenship statements and status; educational constructive credits/transcripts; flight status board reviews; assignment agreements/limitations/waivers/election and travel; efficiency appeals; promotion/reduction commendations/approvals, declinations/announcements/notifications/reconsiderations/worksheets/elections/letters of notification to deferred officers and promotion passover notifications; absence without leave and desertion records; FBI reports; Social Security Administration (SSA) correspondence; miscellaneous correspondence, documents, and military orders relating to military service including information pertaining to dependents, inter-service actions, inservice details, determinations, reliefs, components; awards, pay entitlements, releases, transfers, and other military service data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE:

These records are created and maintained to: (a) Manage the member's Army service effectively, (b) document a member's military service, and (c) safeguard the rights of the member and the Army.

Used by the Department of the Army: To maintain, use, collect, correct and disseminate information with respect to an individual's military status or former military status, including regular reserve, retired, separated, or deceased.

Used by Department of Defense: To authorize and consummate interdepartmental actions relating to inter-service requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of State: To issue passport/visa, to document, persona non grata status, attache assignments, and related administration of personnel assigned and performing duty with the Department of State.

Department of Justice: To file fingerprints and to perform investigative and judicial functions.

Department of Agriculture: To coordinate matters related to its advanced education program.

Department of Labor: To accomplish actions required under Federal Employees Compensation Act.

Department of Health and Human Services: To provide services authorized by medical, health, and related functions pursuant to 10 U.S.C. 1074-1079.

Nuclear Regulatory Commission: To accomplish requirements incident to nuclear accident/incident control officer functions.

American Red Cross: To accomplish coordination and service functions including blood donor programs and emergency investigative support and notifications.

Civil Aeronautics Board: To accomplish flight qualifications, certification, and licensing actions.

Federal Aviation Agency: To determine rating and certification (including medical) of in-service aviators.

General Services Administration: To records storage and archival services and for printing of directories and related material which include personal data.

US Postal Service: To accomplish postal service authorization involving postal officers and mail clerk authorizations.

Veterans Administration: To provide information relating to service, benefits, pensions, in-service loans, insurance, and appropriate hospital support.

Bureau of Immigration and Naturalization: To comply with statutes relating to alien registration and annual residence location.

Office of the President of the United States: To exchange required information relating to White House Fellows, regular Army promotions, aides, and related support functions staffed by Army members.

Federal Maritime Commission: To obtain licenses for military members accredited as captain, mate, and harbor master for duty as transportation Corps warrant officer.

Each of the Several States, and U.S. Possessions: To support state bonus applications; to fulfill income tax requirements appropriate to service member's home of record; to record name changes in state bureaus of vital statistics; and for National Guard affairs.

Civilian Educational and Training Institutions: To accomplish student registration, tuition support, tests, and related requirements incident to in-service education programs in compliance with 10 U.S.C., Chapters 102 and 103.

Social Security Administration: To obtain or verify Social Security Account Number; to transmit Federal Insurance Compensation Act deductions from member's wages.

Department of Transportation: To coordinate and exchange necessary information pertaining to inter-service relationships between US Coast Guard and US Army when service members perform duty with USCG.

Civil Authorities: for compliance with 10 U.S.C. 814.

Federal Emergency Management Agency: To facilitate participation of Army members in civil defense planning, training, and emergency operations pursuant to the military support of civil defense as prescribed by DoD Directive 3025.10 and Army Regulation 500-70.

Director of Selective Service System: Report of Non-Registration at time of separation processing, of individuals who decline to register with Selective Service System; such report will contain name of individual, date of birth, Social Security Number, and mailing address at time of separation.

Other elements of the Federal Government pursuant to their respective authority and responsibility.

Record of the identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she cases to be a client/patient, maintained in connection with the alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the U.S. shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 21 U.S.C. 1175 and 42 U.S.C. 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual about whom the record pertains. Blanket Routine Uses of general applicability identified in 48 FR 25503, June 6, 1983 do not apply to certain alcohol and drug abuse treatment records.

Military Banking Facilities Overseas: Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged or retired from the Armed Forces information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual on the individual has defaulted on a loan and that if restitution is not made by the individual

the United States Government will be liable for the losses the facility may incur.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfiche stored randomly in electromechanical storage/retrieval devices. Temporary files consist of paper records in file folders; selected data automated for management purposes on tapes, discs, cards, and other computer media.

RETRIEVABILITY:

Alphabetically by surname; automated date retrieved by name, SSN or ADP parameter; records of reserve, retired, and deceased persons retrieved by SSN terminal digit sequence.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel; automated records are further protected by authorized password system for access terminals, controlled access to operations locations, and controlled output distribution.

RETENTION AND DISPOSAL:

Microfiche and paper records are permanent; retained in active file until termination of service, following which they are retired to the U.S. Army Reserve Components Personnel and Administration Center, St. Louis, MO 63132.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Inquiries for records of commissioned or warrant officers (including members of Reserve Components serving on active duty) should be sent to the System Manager.

Inquiries for records of enlisted members (including members of Reserve Components serving on active duty) should be sent to Commander, U.S. Army Enlisted Records and Evaluation Center, Ft. Benjamin Harrison, IN 46249.

Inquiries for records of commissioned officers or warrant officers in a reserve status not on active duty, or Army enlisted reservists not on active duty, or members of the National Guard who performed active duty, or commissioned officers, warrant officers, or enlisted members in a retired status should be sent to: Commander, U.S. Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, MO 63132.

Inquiries for records of commissioned officers and warrant officers who were completely separated from the service after June 30, 1917, or enlisted members who were completely separated after October 31, 1912 should be sent to: Chief, National Personnel Records Center, GSA 9700 Page Boulevard, St. Louis, MO 63132.

RECORD ACCESS PROCEDURES:

Individuals desiring access to their record must provide full name, service identification number, SSN, military status, and mailing address. The SSN is required to retrieve and identify the record sought. Failure to provide the SSN can result in an incomplete search. The Army rules for access and for appealing initial denial decisions are contained in Army Regulation 340-21 (32 CFR Part 505).

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations not granting amendment are contained in Army Regulation 340-21 (32 CFR part 505).

RECORD SOURCE CATEGORIES:

Enlistment, appointment, or commission related forms pertaining to individual's military status; academic, training, or qualifications records acquired prior to or during military service; correspondence, forms, records, documents, and other relevant papers in Department of the Army, other Federal Agencies, or state and local governmental entities; civilian education and training institutions; and members of the public when information is relevant to the service member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0708.03aDAPE

SYSTEM NAME:

Special Review Board Appeal Case Summary File.

SYSTEM LOCATION:

Office of the Deputy Chief of Staff for Personnel Special Review Board (SRB) (DAPE-MPD-CD), Washington, D.C. 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army officer personnel who have submitted substantive, as opposed to administrative, appeal of Officer Evaluation Reports, Academic Evaluation Reports, and cases referred for promotion reconsideration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Appeal Files Containing: Identification data on individual, date of appeal, dates of contested OER/AEF period, and supporting documentation; promotion reconsideration referrals including information provided by the promotion board and relevant documents from individual's OMPF; names of voting SRB members, names of persons contacted by SRB, summary of evidence considered, discussion, recommendations, conclusions, final determination of appeal, and disposition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

PURPOSE:

To review and adjudicate appeals of Officer Evaluation Ratings, Academic Ratings, and promotion board reconsideration cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See blanket routine uses of general applicability for all Army systems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to designated authorized persons in buildings which are protected by security guards.

RETENTION AND DISPOSAL:

Records are retained by the Special Review Board for 20 years. Records are destroyed by tearing, burning, pulping, shredding, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, mailing address: Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, ATTN: DAPE-MAD-CD, Room: 2C-749, The Pentagon, Washington, D.C. 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, either by writing or calling; (telephone: 202/697-7619).

RECORD ACCESS PROCEDURES:

Individuals desiring access to records in this system of records pertaining to

them should write to or visit the System Manager. The request should include full name, current address and telephone number. For personal visits, individual must provide acceptable identification such as military identification card. The Army rules for access and appealing denials of access are contained in Army Regulation 340-21 (32 CFR Part 505).

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial denials of amendment are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, relevant Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0912.04DASG

SYSTEM NAME:

Medical Staff Credentials File.

SYSTEM LOCATION:

Medical treatment facilities at Army commands, installations and activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals performing clinical practice in medical treatment facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting delineation of clinical privileges and clinical performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 10 U.S.C. 1071.

PURPOSE:

To determine and assess capability of practitioner's clinical practice and, in specific instances, to provide clinical privilege information to other military medical facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be provided to certain civilian hospitals, the Federation of State Medical Boards of the U.S., State Licensure Authorities, and other appropriate professional regulating bodies. See also the blanket routine uses of general applicability for all Army systems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORD IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to the medical treatment facility commander and credentials committee members.

RETENTION AND DISPOSAL:

Records are retained at medical treatment facility of individual's last assignment. Records of military members are transferred to individual's Military Personnel Records Jacket upon separation or retirement. Records pertaining to civilian personnel are retained in the medical treatment facility where last employed and destroyed 5 years after employment terminates. Records are destroyed by tearing, burning, pulping, shredding or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, Department of the Army, The Pentagon, Washington, D.C. 20310.

NOTIFICATION PROCEDURE:

Information may be requested from the commander of the medical treatment facility where practitioner provided clinical service.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information from this system should contact the commander of the medical treatment facility where clinical service was provided, furnishing full name, and signature. The Army rules for access and appealing initial denials of access are contained in Army Regulation 340-21 (32 CFR Part 505).

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial denials of amendment are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Interview, individual's application, medical audit results, other administrative or investigative records obtained from civilian or military sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0917.09aDAPE

SYSTEM NAME:

Alcohol and Drug Abuse Rehabilitation Files.

SYSTEM LOCATION:

Primary: Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) rehabilitation/counseling facilities (e.g., Community Counseling Centers/ADAPCP Counseling Facilities) at Army installations and activities.

Secondary: U.S. Army Safety Center (PESC-D), Ft. Rucker, AL 36362.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual (military, civilian, family member) who is eligible for care and is referred to and enrolled in the ADAPCP for rehabilitation, pursuant to Army Regulation 600-85.

CATEGORIES OF RECORDS IN THE SYSTEM:

Primary: Copies of client intake records, progress reports, psychosocial histories, counselor observations and impressions of client's behavior and rehabilitation progress, copies of medical consultation and laboratory procedures performed, results of biochemical urinalysis for alcohol/drug abuse, and similar or related documents.

Secondary: Copies of client intake records, progress reports, and demographic composites thereof.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 10 U.S.C. 1071, Note (1976)

PURPOSE:

Primary: To treat, counsel, and rehabilitate individuals who participate in the Army's Alcohol and Drug Abuse Prevention and Control Program.

Secondary: Client intake and progress reports are used to provide essential management information concerning the ADAPCP to measure the magnitude of alcohol and other drug abuse within the Army, to measure progress in the Army prevention program, to measure progress in the rehabilitative medical treatment aspect of the program, to provide statistical trends of support policy and procedural changes, to support and justify funding and manpower requirements for the program, and to provide statistical information (not individually identifiable data) in response to the public media, members of Congress, or other government agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records is exempt from the Army blanket routine uses of general applicability. Information is disclosable only to the following persons/agencies:

a. To health care components of the Veterans Administration.

b. To qualified personnel conducting scientific research or audits or program evaluations, provided that a patient may not be identified in such reports, or his or her identity further disclosed by such personnel.

c. In response to a court order based on the showing of good cause in which the need for disclosure and the public's interest is shown to exceed the potential harm that would be incurred by the patient, the physician-patient relationship, and the Army's treatment program.

Note.—Records of identify, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and subjected to standard executive and system control program plus the audit/edit and data base management system designed by the U.S. Army Safety Center.

RETENTION AND DISPOSAL:

Primary: Records are destroyed 1 year after termination of the patient's treatment, unless the Army Medical Department Activity/Facility commander authorized retention for an additional 6 months.

Secondary: Manual records are retained up to 18 months or until information taken therefrom and entered into computer records is transferred to the "history" file, whichever is sooner. Disposal of manual records is by burning or shredding. Computer records are retained permanently for historical and/or research purposes.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army (DAPE-HRA), The Pentagon, Washington, D.C. 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should contact either the commander of the medical center/medical department activity where treatment for alcohol/drug abuse was obtained, or the U.S. Army Drug and Alcohol Technical Activity, Room 323, Nassif Building, Falls Church VA 22041. Individuals should furnish their full name, date of birth, Social Security Number, current address and telephone number, and signature. The furnishing of this personal data is voluntary.

However, record searches will be limited by the data furnished.

RECORD ACCESS PROCEDURE:

Individual seeking access to their records should contact the appropriate official as specified in the "Notification Procedure" section, furnishing the information required by that section. The Army rules for access and appeal of initial denials of access are contained in Army Regulation 340-21 (32 CFR Part 505).

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial denial of amendment actions are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual by interviews and history statements; abstracts or copies of pertinent medical records; abstracts from personnel records; results of tests; physicians' notes, observation of client's behavior; related notes, papers, and forms from counselor, clinical director, and/or commander.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SYSTEM NAME:

Junior ROTC/NDCC Instructor Files

SYSTEM LOCATION:

Headquarters, Army Training and Doctrine (TRADOC) schools, colleges, training centers, and ROTC Regions at Fort Bragg, NC; Fort Knox, KY; Fort Riley, KS; and Fort Lewis, WA.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

Assigned and potential instructors and guest speakers at the above locations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Instructor evaluation forms, qualification data, biographic sketches and similar and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2031 and 4651.

PURPOSES:

To record qualifications, experience, effectiveness, and other similar related information about potential and assigned instructors and guest speakers.

Used by Army schools and ROTC Regions to determine assignment or employment of instructors and their utilization, and to access their need for additional training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

See blanket routine uses of general applicability for all Army systems of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files.

RETRIEVABILITY:

By name, Social Security Number (SSN), and year.

STORAGE:

Records are stored in locked cabinets or rooms depending on location.

RETENTION AND DISPOSAL:

Retained for two years after instructor is transferred or after the guest speaker speaks. Records on potential instructors or speakers who are not assigned or who do speak are destroyed when they are no longer considered of interest. Records are destroyed by tearing, burning, pulping, shredding, or macerating.

SYSTEM MANAGER AND ADDRESS:

Commander, U.S. Army Training and Doctrine Command. Mailing Address: Commander, U.S. Army Training and Doctrine command, ATTN: ATAC-FCIA, Fort Monroe, VA 23651.

NOTIFICATION PROCEDURE:

Written request should be addressed to the commander of the appropriate school, college, training center, or ROTC Region. Individuals should furnish their full names, SSNs, duty position, academic department, and dates of service at the training activity. Furnishing the personal data is voluntary, however, records searches will be limited to the data furnished.

RECORD ACCESS PROCEDURES:

Provide the information listed under the "Notification Procedures" caption to the appropriate commander.

The Army rules for access and appealing initial denials of access under the Privacy Act of 1974, as amended (5 U.S.C. 552a) are contained in Army Regulation 340-21 (32 CFR Part 505).

CONTESTING RECORD PROCEDURES:

The Army rules for contesting the contents of records and appealing initial denials of amendment are contained in Army Regulation 340-21 (32 CFR Part 505). For further information contact the System Manager.

RECORD SOURCE CATEGORIES:

Staff and faculty of the appropriate school, college, training center, or ROTC School.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-2331 Filed 1-26-84; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION**National Diffusion Network Program; Application Notice Establishing Closing Dates for Fiscal Year 1984****Correction**

In FR Doc. 84-2022 beginning of page 2929 in the issue of Tuesday, January 24, 1984, make the following correction.

On page 2930, third column, in the table, the closing dates now reading "Dec. 1, 1984" and "Dec. 9, 1984" should read "March 1, 1984" and "March 9, 1984" respectively.

BILLING CODE 1505-01-M

National Advisory Council on Bilingual Education; Meeting

AGENCY: National Advisory Council on Bilingual Education, Ed.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Bilingual Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES:

October 10, 1984—Review Comment on first draft of Annual Report 9:00 a.m.—4:30 p.m.

October 11, 1984—Business Meeting 9:00 a.m.—4:30 p.m.

ADDRESS: The two day meeting will take place in the Mercury Room of the Capitol Holiday Inn, 550 C Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Ramon Ruiz, Designated Federal Official, Room 421, Reporter's Building, 400 Maryland Avenue SW., Washington, D.C. 20202, (202) 245-2600.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the

Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations.

The meeting of the Council is open to the public. The proposed agenda includes the following:

October 10, 1984—The Council will review and comment on the first draft of the Annual Report.

October 11, 1984—The Agenda for the second day includes:

I. Introductions

II. Old Business

III. New Business

—Plans for the participating of NACBE during the NABE Convention in San Antonio, Texas.

—Plans for the Houston, Texas Forum during NSBA Convention.

—Dates for Public Hearings.

Dated: January 23, 1984.

Jesse M. Soriano,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 84-2332 Filed 1-26-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY**National Petroleum Council, Costs and Economics Task Group of the Committee on Enhanced Oil Recovery; Meeting**

Notice is hereby given that the Costs and Economics Task Group of the Committee on Enhanced Oil Recovery will meet in January 1984. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Costs and Economics Task Group meeting follows:

The Costs and Economics Task Group will hold its fifteenth meeting on Monday, January 30, 1984, starting at 9:00 a.m., in Room 1820 of the Stouffer's Greenway Plaza Hotel, Six East Greenway Plaza, Houston, Texas.

The tentative agenda for the Costs and Economics Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.

2. Review progress of Task Group study assignments.

3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Costs and Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Costs and Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 17, 1984.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 84-2413 Filed 1-26-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP81-61-015]

ANR Pipeline Co. (Formerly Michigan Wisconsin Pipe Line Co.); Proposed Amendments to Post Audit Reports

January 23, 1984.

Take notice that on January 13, 1984, ANR Pipeline Company (ANR) tendered for filing the following amendments to its Post Audit Report to reflect an additional credit to Other Operating Revenues for the locked-in period:

Amended Schedule 1—Derivation of Company's Resale Revenue Underrecovery

Amended Schedule 1a—Detail of Company's Resale Revenue Underrecovery, Identifying No Refund to Resale Customers

Amended Schedule 2—Overall Cost of Service—Statement A

Amended Schedule 8—Allocation of Overall Cost of Service—Statement I

Amended Schedule 10—Other Operating Revenues

Amended Schedule 12—Derivation of Resale Rates

ANR asserts that its Resale Revenue Underrecovery, as exhibited in Schedule 1a, prevents refunds to its resale customers.

ANR states that copies of its filing were sent to its customers, all parties to the proceeding, and the following state commissions: Illinois Commerce Commission, Public Service Commission of Indiana, Iowa State Commerce Commission, Kansas State Corporation Commission, Michigan Public Service Commission, Missouri Public Service Commission, Public Utilities Commission of Ohio, Tennessee Public Service Commission and Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2337 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER82-481-008]**Arizona Public Service Co.; Compliance Report**

January 24, 1984.

Take notice that on November 30, 1983, Arizona Public Service Company (Arizona) submitted for filing its Compliance Report pursuant to a Commission Order dated October 19, 1983.

Arizona states that copies of its Compliance Report have been mailed to each party to the proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before January 31, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2346 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-60-001]**Arkansas Louisiana Gas Co.; Proposed Changes in FERC Gas Tariff**

January 23, 1984.

Take notice that on January 11, 1984, Arkansas Louisiana Gas Company (Arkla) tendered for filing the following sheets to its FERC Gas Tariff First Revised Volume No. 2:

Original Sheets No. 212 through 220.

Arkla cites the Commission order dated December 2, 1983, in Docket No. CP83-60-001 (the order) and intends that its filing be deemed as in compliance therewith.

According to Arkla, the order requires Arkla to submit its Rate Schedule No. XT-55.

Arkla proposes an effective date of January 11, 1984, and requests all waivers required thereto. In the alternative, if a waiver is disallowed, Arkla requests an effective date of February 9, 1984.

Arkla states that copies of its filing have been sent to the Southwestern Electric Power Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2338 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-206-000]**The Empire District Electric Co.; Filing**

January 24, 1984.

The filing Company submits the following:

Take notice that The Empire District Electric Company (Empire) on January 11, 1984 tendered for filing FERC Electric Tariff 1st Revised Volume No. 1, Section 6, 8th Revised Sheet No. 22, Index of Purchasers; and an unexecuted service agreement with Saken Electric Cooperative, Inc. of Girard, Kansas.

Empire states that the filing is being made to change Sekan to the W-2 rate schedule. This change was anticipated and agreed to in FERC Case ER82-465-000. The annual revenue increase will be \$51,344 based on the 12 months ended October 31, 1984.

Empire requests an effective date of November 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 6, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2349 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP84-41-000]**Great Lakes Gas Transmission Co.; Proposed Waiver of Terms in FERC Gas Tariff**

January 23, 1984.

Take notice that Great Lakes Gas Transmission Company (Great Lakes) on January 12, 1984, tendered for filing a proposal to waive the minimum annual bill provision contained in section 4.1(b) of Rate Schedule CQ to Great Lakes FERC Gas Tariff, First Revised Volume No. 1. This waiver is for the contract year ending October 31, 1983.

Great Lakes asserts that an agreement has been made with one of its Resale Customers, Natural Gas Pipeline Company of America (Natural), regarding the deferral of a payment owed by Natural to Great Lakes under section 4.1(b). The deferral is to be for a

four year period ending December 20, 1987, but has conditions including monthly interest payments, and the occurrence of appropriate regulatory authorization. The agreement is attached to their filing as Appendix A.

Great Lakes states that its agreement with Natural is made possible by a similar agreement between Great Lakes and TransCanada Pipelines Limited (TransCanada). TransCanada has offered similar concessions to Great Lakes that enable Great Lakes to enter into the agreement with Natural. Great Lakes argues that the chain of agreements, between TransCanada, itself, and Natural, are in the public interest, and require waiver for the contract year ending October 31, 1983, of section 4.1(b) of its FERC Gas Tariff.

Great Lakes states that a copy of this document has been served on all of its customers and the Public Service Commissions of the states of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests

should be filed on or before January 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2340 Filed 1-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C175-66-001]

Hunt Petroleum Corp.; Applications To Amend Certificates To Establish Entitlement to Section 109 Price¹

January 24, 1984.

Take notice that each of the Applicants listed herein has either filed a petition to amend certificate pursuant to section 7 of the Natural Gas Act or a notice of change in rate which is being treated as a petition to amend certificate to establish Applicant's right to collect the section 109 price consistent with the

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

court order issued in *Tenneco Exploration Ltd. v. FERC*, 649 F.2d 376, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 6, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
C175-66-001, Jan. 9, 1984	Hunt Petroleum Corp., 2400 Thanksgiving Tower, Dallas, Tex. 75201.	Trunkline Gas Co., South Marsh Island 268, Offshore Louisiana.	(1)	
C175-67-001, Jan. 9, 1984	Hunt Industries, 2400 Thanksgiving Tower, Dallas, Tex. 75201.	do	(1)	
C175-92-000, Jan. 9, 1984	Prosper Energy Corp., 2400 Thanksgiving Tower, Dallas, Tex. 75201.	Southern Natural Gas Co., South Marsh Island 268, Offshore Louisiana.		
C181-195-002, Dec. 27, 1983	ARCO Oil & Gas Co., Division of Atlantic Richfield Co., P.O. Box 2818, Dallas, Tex. 75221.	Northern Natural Gas Co., West Cameron Block 238 "B" Area, Offshore Louisiana.	(1)	
C181-205-001, Dec. 27, 1983	do	Tennessee Gas Pipeline Co., East Cameron Block 47, Offshore Louisiana.	(1)	
C181-320-001, Dec. 27, 1983	do	Northern Natural Gas Co., West Cameron Block 249 Field, Offshore Louisiana.	(1)	
C181-490-001, Dec. 27, 1983	do	Transco Gas Supply Co., Eugene Island Block 242 and 243 Field, Offshore Louisiana.	(1)	
C179-422-001, Jan. 16, 1984	Hamilton Bros. Exploration Co., 1600 Broadway, Suite 2600, Denver, Colo. 80202.	Trunkline Gas Co., South Marsh Island 281, Offshore Louisiana.	(1)	
C179-423-001, Jan. 16, 1984	do	Trunkline Gas Co., South Marsh Island 268 and 269, Offshore Louisiana.	(1)	
C179-424-001, Jan. 16, 1984	do	Trunkline Gas Co., South Marsh Island 268, 269, and 281, Offshore Louisiana.	(1)	
C179-425-001, Jan. 16, 1984	do	Trunkline Gas Co., South Marsh Island 281, Offshore Louisiana.	(1)	

¹ Applicant proposes to amend certificate to establish Applicant's entitlement to collect Section 109 price consistent with court order in *Tenneco Exploration, Ltd. v. FERC* 649 F.2d 376. Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 84-2350 Filed 1-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC84-10-000]

Interstate Power Co.; Application

January 24, 1984.

The filing Company submits the following:

Take notice that on January 12, 1984, Interstate Power Company (Applicant) of Dubuque, Iowa, filed an Application pursuant to section 203 of the Federal Power Act seeking authority to purchase a 4.16% undivided interest in the George

Neal Generating Unit #4, located near Sioux City, Iowa.

The facilities proposed to be purchased by Applicant for a base purchase price of \$16,875,000, consist of property and real estate located near Sioux City, Iowa.

Applicant represents that after the purchase there will be no change in the use of the facilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 8, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2351 Filed 1-16-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP84-15-004]

MIGC, Inc.; Request to File Updated Data

January 24, 1984.

Take notice that on January 17, 1984, MIGC, Inc. (MIGC) tendered for filing a request to file updated data to supplement its Base Tariff Rate Restatement filing, Docket No. RP84-15-000. MIGC notes that it has already requested permission to submit updated data, and is now submitting the data in question, notwithstanding the Commission's inaction on their request.

MIGC feels that the submitted data will be helpful to the Staff in evaluating its Base Tariff Rate Restatement filing. It notes that Colorado Interstate Gas Company (CIG) objects to its request to submit updated data. CIG, according to MIGC, claims that the data would cause a duplication of effort in this proceeding. MIGC claims that the data covers a test period and will not result in duplicated efforts.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 31, 1984. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2352 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA84-1-26-002]

Natural Gas Pipeline Company of America; Filing of Substitute Tariff Sheet

January 24, 1984.

Take notice that on January 18, 1984, Natural Gas Pipeline Company of America (Natural) filed Second Substitute Fifty-third Revised Sheet No. 5 to be a part of its FERC Gas Tariff, Third Revised Volume No. 1 to be effective January 1, 1984.

Natural requests that its Second Substitute Fifty-third Revised Sheet No. 5 supersede Substitute Fifty-third Revised Sheet No. 5, filed December 23, 1983, the purpose of which was to set out at the bottom of the sheet, the currently effective GRI surcharge. The base rates set out on that sheet were submitted as part of Natural's compliance filing in accordance with the October 6, 1983, Commission order in Docket No. CP82-355-000. That compliance filing was subsequently rejected by letter order issued January 6, 1984 in Docket No. CP82-355-003.

Natural states that its Second Substitute Fifty-third Revised Sheet No. 5 reflects the currently effective base rate levels which were accepted for filing and became effective, subject to refund, on October 1, 1983 by letter order issued November 3, 1983 in Docket No. RP83-68-000. The PGA unit adjustments and the GRI surcharge shown on the tariff sheet are at the levels previously filed and accepted to be effective by Commission order.

Natural further states that copies of this filing have been mailed to Natural's jurisdictional customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before February 1, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2353 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-647-002]

New England Power Co.; Compliance Filing

January 24, 1984.

Take notice that on January 4, 1984, New England Power Company (NEP) submitted for filing its Compliance report to a Commission's deficiency letter of December 7, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 31, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2354 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. TA84-1-59-002 and TA84-1-59-001]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

January 23, 1984.

Take notice that on January 13, 1984, Northern Natural Gas Company (Northern) tendered for filing revised sheets to its FERC Gas Tariff, Original Volume No. 2 and Third Revised Volume No. 1:

Third Revised Volume No. 1

Substitute Fifth Revised Sheet No. 69
Substitute Fourth Revised Sheet No. 70
Substitute First Revised Sheet No. 74e
Substitute First Revised Sheet No. 74f

Original Volume No. 2

Substitute Fourth Revised Sheet No. 1q

Substitute Third Revised Sheet No. 1h
Substitute First Revised Sheet No. 1g
Substitute First Revised Sheet No. 1r

These proposed revisions, along with Appendices A and B discussed below, intend to comply with a Commission order dated December 15, 1983, entitled "Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject To Refund and Conditions" (the order) in Docket Nos. TA84-1-59-002 and TA84-1-59-001. That order directed Northern to file certain revisions to its FERC Gas Tariffs.

Specifically, Northern is attempting compliance with Paragraphs D, E, F and H of the order. Paragraph D concerns a credit to Account No. 191, which Northern's revision proposes to defer to its next PGA filing, with interest. Paragraph E concerns revisions of accounting terminology required for exchange transactions, of which Northern's proposed revision intends to comply. Paragraph F concerns the removal of certain proposed revisions as well as other modifications concerning the recovery of ANGTS transportation costs. Northern's proposed revision intends to comply fully therewith. Finally, Paragraph H of the order directs Northern to file an explanation of purchased gas costs projection. Intending to comply with this, Northern has included in its filing Appendices A and B.

Northern requests that the proposed revisions and the Appendices A and B contained in its filing be accepted in compliance with the order.

Northern states that copies of the filing have been served on all parties to the proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2341 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP82-71-013]

**Northern Natural Gas Company
Division of InterNorth, Inc.; FERC Gas
Tariff Filing**

January 23, 1984.

Take notice that on January 16, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) tendered for filing to become a part of Northern's FERC Gas Tariff, Third Revised Volume No. 1:

Tenth Revised Sheet No. 21. Fourth Revised Sheet No. 22.

These sheets reflect a revised Minimum Commodity Charge approved by Commission order dated April 28, 1983 in Docket No. RP82-71.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. An person wishing to become a part must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2342 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. GP84-1-000]

**Northwest Central Pipeline Corp.; Joint
Motion of Conoco Inc., and Northwest
Central Pipeline Corporation for
Withdrawal of Pleadings and for
Dismissal of Proceedings**

January 24, 1984.

On December 29, 1983, Conoco Inc., (Conoco) and Northwest Central Pipeline Corporation (Northwest Central) filed a joint motion with the Federal Energy Regulatory Commission (Commission) for withdrawal of pleadings and for dismissal of the proceedings concerning Northwest Central's complaint protesting the application for stripper well determination by Conoco for the Burnett 5a Well. The subject well is located in the West Panhandle field, Carson County, Texas. Conoco had filed with the Texas Railroad Commission (Texas) an application for stripper well

determination for the subject well which was approved by Texas. The Commission received notice of Texas' approval on September 2, 1983. The well determination by Texas became a final well determination on October 17, 1983. On October 13, 1983, Northwest Central filed a protest to Texas' section 108 determination for the subject well. Notice of Northwest Central's complaint concerning the Burnett 5a Well was issued November 3, 1983, (48 FR 51515; November 9, 1983).

Northwest Central filed its complaint with the Commission alleging that the Burnett 5a Well did not qualify for the section 108 stripper well category because for the 90-day period of February 1983 through April 1983, the Burnett 5a Well had only 10 production days, whereas in its application for the Burnett 5a Well, Conoco asserted that all of the calendar days in the 90-day production period constituted production days. This assertion, according to Conoco, was based upon the fact that Conoco had maintained all valves under Conoco's control in an open position during the periods in question and upon Conoco's understanding of the manner in which Northwest Central operated its facilities in the West Panhandle Field.

In the course of preparing for hearing, new information became available to Conoco from Northwest Central which indicates that the subject well was shut in by certain line valves under the control of Northwest Central during the production period in question. The parties assert that recalculation of the average daily production applicable to the Burnett 5a Well, on the basis of the revised production day data, indicates that the subject well could not at the time of the application qualify as a stripper well under section 108 of the NGPA.

Conoco states that it filed an interim collection notice with its stripper well determination application for the Burnett 5a Well and has made interim collections pursuant to such notices for a portion of the gas delivered to Northwest Central since the filing date of such initial applications. Conoco further states that pursuant to §§ 275.202(d)(4) and 273.302 of the Commission's regulations, Conoco will compute and make the required refunds to Northwest Central and file a refund report with the Commission.

Conoco seeks to withdraw its application for a stripper well determination for the Burnett 5a Well and both Conoco and Northwest Central join in requesting that the Commission dismiss or reopen and vacate the

determination and allow withdrawal of the application for determination in this docket.

Any person desiring to be heard or to make protest to this filing should file within 30 days after notice is published in the *Federal Register*, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2355 Filed 1-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-55-000]

Northwest Central Pipeline Corp.; Joint Motion of Conoco Inc., and Northwest Central Pipeline Corporation for Withdrawal of Pleadings and for Dismissal of Proceedings

January 24, 1984.

On December 29, 1983, Conoco Inc. (Conoco) and Northwest Central Pipeline Corporation (Northwest Central) filed with the Federal Energy Regulatory Commission (Commission) a joint motion for withdrawal of pleadings and for dismissal of the proceedings concerning Northwest Central's complaint protesting the application for stripper well determination by Conoco for the Burnett 32A Well, the Burnett 52A Well, the Burnett 83A Well and the JJ Crutchfield No. 1 Well. These wells are located in the West Panhandle Field, Carson County, Texas. Conoco had filed with the Texas Railroad Commission (Texas) applications for stripper well determinations for the subject wells which were approved by Texas, and noticed in the *Federal Register* on August 22, 1983. The well determinations by Texas became final well determinations on September 12, 1983. On September 6, 1983, Northwest Central filed a protest of Texas' section 108 determinations for the subject wells. Notice of Northwest Central's complaint concerning the subject wells was issued November 3, 1983 (48 FR 51514, November 9, 1983).

Northwest Central filed its complaint with the Commission alleging that the subject wells did not qualify for the section 108 stripper well category because for the 90-day period of February 1983 through April 1983, the Burnett 32A Well had only 21 days of actual production, the Burnett 52A Well

had only 21 days of actual production, the Burnett 83A Well had only 24 actual production days and the JJ Crutchfield had only 31 actual production days, whereas in its application for the subject wells, Conoco asserted that all of the calendar days in each three month production period constituted production days. This assertion, according to Conoco, was based on the fact that Conoco had maintained all valves under Conoco's control in an open position during the periods in question and upon Conoco's understanding of the manner in which Northwest Central operated its facilities in the West Panhandle Field.

In the course of preparing for hearing, new information became available to Conoco from Northwest Central which indicates that the subject wells were shut in by certain line valves under the control of Northwest Central during the production period in question. The parties assert that recalculation of the average daily production applicable to the subject wells, on the basis of the revised production data, indicates that the subject wells could not at the time of the application qualify as stripper wells under section 108 of the NGPA.

Conoco states that it filed interim collection notices with its stripper well determination applications for the subject wells and has made interim collections pursuant to such notices for a portion of the gas delivered to Northwest Central since the filing date of such initial applications. Conoco further states that pursuant to §§ 275.202(d)(4) and 273.302 of the Commission's regulations, Conoco will compute and make the required refunds to Northwest Central and file a refund report with the Commission.

Conoco seeks to withdraw its application for stripper well determinations for the subject wells and both Conoco and Northwest Central join in requesting that the Commission dismiss or reopen and vacate the determination and allow withdrawal of the application for determination in this docket.

Any person desiring to be heard or to make protest to this filing should file within 30 days after notice is published in the *Federal Register*, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be

considered but will not make the protestants parties to the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2356 Filed 1-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-16-000]

Northwest Central Pipeline Corp.; Joint Motion of Conoco Inc., and Northwest Central Pipeline Corporation for Withdrawal of Pleadings and for Dismissal of Proceedings

Issued: January 24, 1984.

On December 29, 1983, Conoco Inc. (Conoco) and Northwest Central Pipeline Corporation (Northwest Central) filed a joint motion with the Federal Energy Regulatory Commission (Commission) for withdrawal of pleadings and for dismissal of the proceedings concerning Northwest Central's complaint protesting the application for stripper well determination by Conoco for the Barrett No. 1 Well, the Burnett No. 50-A Well and the A. H. Hexter No. 2 Well. These wells are all located in the West Panhandle Field, Carson County, Texas. Conoco had filed with Texas applications for stripper well determinations for the subject wells which were approved by Texas and noticed in the *Federal Register* on November 1, 1983. The determinations by Texas became final on December 16, 1983. On November 15, 1983, Northwest Central filed a protest concerning the Texas Railroad Commission's (Texas) section 108 stripper well determinations for the subject wells.

Northwest Central filed its complaint with the Commission alleging that the subject wells did not qualify for the section 108 stripper well category because for the 91-day period between April through June, 1983, the Burnett No. 50a well had only 52 actual production days, the A. H. Hexter No. 2 well had only 51 actual production days and the Barrett No. 1 well had only 24 actual production days, whereas in its application for the subject wells, Conoco asserted that all of the calendar days in each 91-day production period constituted production days. This assertion, according to Conoco, was based upon the fact that Conoco had maintained all valves under Conoco's control in an open position during the periods in question and upon Conoco's understanding of the manner in which Northwest Central operated its facilities in the West Panhandle Field.

In the course of preparing for hearing, new information became available to Conoco from Northwest Central which indicates that the subject wells were shut in by certain line valves under the control of Northwest Central during the production period in question. The parties assert that recalculation of the average daily production applicable to the subject wells, on the basis of the revised production day data, indicates that the subject wells could not at the time of the application qualify as stripper wells under section 108 of the NGPA.

Conoco states that it filed interim collection notices with its stripper well determination applications for the subject wells and has made interim collections pursuant to such notices for a portion of the gas delivered to Northwest Central since the filing date of such initial applications. Conoco further states that pursuant to §§ 275.202(d)(4) and 273.302 of the Commission's regulations, Conoco will compute and make the required refunds to Northwest Central and file a refund report with the Commission.

Conoco seeks to withdraw its application for a stripper well determination for the subject wells and both Conoco and Northwest Central join in requesting that the Commission dismiss or reopen and vacate the determination and allow withdrawal of the applications for determination in this docket.

Any person desiring to be heard or to make protest to this filing should file within 30 days after notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2357 Filed 1-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-209-000]

Pacific Gas and Electric Co.; Filing

January 24, 1984.

The filing Company submits the following:

Take notice that on January 16, 1984, Pacific Gas and Electric Company (PG&E) tendered for filing as an initial rate schedule a December 13, 1983 Letter Agreement for interruptible

transmission service by PG&E for the Western Area Power Administration (Western).

PG&E states that the agreement provides that PG&E will transmit non-firm energy obtained by Western, from entities in the Pacific Southwest, from Midway Substation to Tracy, subject to the availability of transmission capacity in the PG&E system. The transmission rate of 1.34 mills/kWh is a system average rate, which will be adjusted for transmission losses.

PG&E further states that Western will also pay a daily spinning reserve charge associated with such nonfirm energy at a rate of 2.74 mills/kWh.

PG&E indicates that excess non-firm energy not required for Western's preference customers shall be sold to PG&E at Tracy Substation for banking at Western's cost for such energy (including wheeling and losses) or 85 percent of PG&E's Partial Requirement Rate including applicable Fuel Cost Adjustment, whichever is less.

PG&E requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Western and the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 7, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2358 Filed 1-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-20-001]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

January 23, 1984.

Take notice that on January 13, 1984, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revisions to its FERC Gas Tariff, Original Volume No. 1:

First Substitute Original Sheet Nos. 3-E, 32-U and 32-V.

Panhandle requests that these revisions be regarded as being in compliance with the December 2, 1983 Commission order, Docket No. RP84-20-001 (the order). According to Panhandle, the order requires Panhandle to set forth its gathering charges, on a unit basis, which would be applicable under its Rate Schedule AIC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2343 Filed 1-26-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-207-000]

Public Service Company of New Hampshire; Filing

January 24, 1984.

The filing Company submits the following:

Take notice that on January 12, 1984, Public Service of New Hampshire (PSNH) tendered for filing a System Exchange Agreement between PSNH and New England Power Company (NEP).

PSNH states that the service to be furnished under the System Exchange Agreement is an exchange of excess capacity and associated energy from the PSNH system (system power) for an equal amount of capacity from certain units owned or leased by NEP (exchange units). PSNH further states that the generating units expected to supply the system power are required to be specified by PSNH at least twelve hours prior to the commencement of each exchange. Similarly, the exchange units expected to supply the capacity to PSNH are to be specified by NEP at least 12 hours prior to the commencement of each exchange.

PSNH requests an effective date of September 18, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 6, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2359 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-205-000]

San Diego Gas & Electric Co.; Filing

January 24, 1984.

The filing Company submits the following:

Take notice that on January 11, 1984, San Diego Gas & Electric Company (SDG&E) tendered for filing an agreement "San Diego-Edison Firm Transmission Service Agreement" which has been executed by SDG&E and Southern California Edison Company (Edison).

SDG&E states that under the terms and conditions of the agreements, SDG&E will make available to Edison firm transmission service from two points on the United States-Mexico border to San Onofre.

SDG&E requests an effective date of May 1, 1984.

Copies of the filing were served upon the Public Utilities Commission of the State of California and Edison.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before February 6, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2360 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP73-89-000 and TA84-1-6-002]

Sea Robin Pipeline Co.; Proposed Adjustment to Account No. 191

January 23, 1984.

Take notice that on January 13, 1984, Sea Robin Pipeline Company (Sea Robin) tendered for filing a proposed adjustment to Account No. 191 as a response to the December 30, 1983 order of the Commission, Docket Nos. TA84-1-6-000, *et al.* (the order).

According to Sea Robin, some confusion as to certain technical aspects of crediting interest from Part 284 transportation credits exists. Sea Robin's position is that no adjustment to Account No. 191 is required, whereas they point out that the order requests additional information concerning adjustments to Account No. 191.

Sea Robin proposes that no change is necessary and further, that it is willing to have a technical conference with the Commission Staff to resolve any questions relating to its proposal.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2344 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-204-000]

Southwestern Public Service Co.; Filing

January 24, 1984.

The filing Company submits the following:

Take notice that on January 11, 1984, Southwestern Public Service Company (Southwestern) tendered for filing a contract agreement and rates for electric power service to Midwest Electric Cooperative, Inc. The service is to be rendered through Southwestern's 69 kV transmission system to its connection with Garza and Justiceburg Substations.

Southwestern states that Midwest is a Full Requirements customer and the new contract provides for Firm Power Service at the same rate currently filed and allowed by this Commission for Full Requirement customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 6, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2361 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ES84-27-000]

Texas-New Mexico Power Co.; Application

January 24, 1984.

Take notice that on January 13, 1984, Texas-New Mexico Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act, with the Federal Energy Regulatory Commission, seeking authority to issue up to \$50 million of unsecured promissory notes and other evidence of indebtedness, with maturity dates of less than twelve months, but not later than April 1, 1986.

Any person desiring to be heard or to make any protest with reference to the application should file a petition to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, or 385.214) on or before February 13, 1984. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2362 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA84-1-30-002]

Trunkline Gas Co.; Change in Tariff

January 23, 1984.

Take notice that on January 16, 1984 Trunkline Gas Company (Trunkline) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Forty-Fifth Revised Sheet No. 3-A
Tenth Revised Sheet No. 3-B

The proposed effective date of these revised tariff sheets is March 1, 1984.

Trunkline states that these revised tariff sheets reflect rate adjustments as follows:

(1) A decrease in commodity rates of 0.15¢ to reflect the effect of the Gas Purchase Prepayments tracking adjustment pursuant to Article III of the Stipulation and Agreement dated March 25, 1983 in Docket Nos. RP81-103 and RP82-130 which was approved by the Commission's Order issued July 8, 1983. This adjustment gives effect to changes in the interest rate and sales units from the previous tracker filing. There were no additional gas purchases repayments made during the period June 1, 1983 through November 30, 1983; and

(2) An increase in demand rates of \$0.97 and in commodity rates of 2.22¢ to reflect the elimination of a Purchased Gas Transmission and Compression tracking adjustment which tracking authority terminated at December 1, 1983 when rates filed in Docket No. RP83-93 became effective (see Article V of the Stipulation and Agreement dated August 26, 1981 in Docket No. RP80-106 and Paragraph (E) of the Commission's Order issued June 30, 1983 in Docket No. RP83-93). Trunkline's current rates reflect a negative rate for this tracker; thus, the elimination of such negative rates causes the increase. The credit balance in the Deferred Transmission and Compression Account has been transferred to the Deferred Purchased Gas Cost Account; and

(3) Projected Incremental Pricing Surcharges in accordance with Section 21 of the General Terms and Conditions

of Trunkline's FERC Gas Tariff, Original Volume No. 1.

The above described rate changes adjust Trunkline's rates effective pursuant to Commission's order of December 28, 1983 in Docket No. TA84-1-30-001.

To the extent required, Trunkline requests that the Commission grant such waivers as may be necessary for the acceptance of these tariff sheets to become effective March 1, 1984.

Trunkline states that copies of this filing have been served on all customers subject to the tariff sheets and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before January 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2345 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP84-42-000 and RP72-133, et al.*]

United Gas Pipe Line Co.; Order To Show Cause and Setting Matters for Hearing

Issued: January 23, 1984.

I

In 1980, the Commission's Office of the Chief Accountant and the Commission's Office of Pipeline and Producer Regulation concluded that United Gas Pipe Line Company (United) had included unpaid and/or unpayable amounts in its purchased gas adjustment (PGA) filings with the Commission and that such inclusions may have violated the Natural Gas Act, 15 U.S.C. 717 *et seq.* (NGA), Commission rules, regulations and orders issued thereunder, and United's PGA tariff. Thereafter, on January 19, 1981, the Commission ordered United to prepare a Special Report and directed the then Office of Enforcement (now

* See page 6, Ordering Paragraph (B), for complete listing of docket nos.

Enforcement Division, Office of the General Counsel) (Enforcement) to undertake a private, formal investigation to determine "whether [United] or any person, firm or entity, have improperly included or are improperly including amounts in [United's] Purchased Gas Adjustment filings with the Commission and whether rates have been charged by [United], and filings have been made, in violation of the Natural Gas Act, * * * and the rules, regulations and orders of the Commission promulgated thereunder."

II

As a result of the investigation, information has been reported to the Commission from which it appears that:

1. On April 14, 1972, the Commission issued Order No. 452¹ which established a procedure whereby natural gas pipelines could elect to collect their rapidly increasing costs of purchased gas by including a PGA provision in their tariffs which would allow them to collect from their customers the changes in their actual costs of purchased gas without the necessity of a full proceeding pursuant to section 4 of the NGA.

2. On May 30, 1972, United indicated its intention to use the PGA mechanism by filing its first PGA tariff. United requested a waiver of the Commission's PGA regulations (18 CFR 154.38(d)) to the extent that its PGA clause failed to conform to the Commission's requirements.

3. By Letter Order dated June 30, 1972, the Commission rejected United's proposed PGA tariff on several grounds, including the following: "[1] The [proposed] PGA clause provides for rate changes to be based on rates claimed [by United's suppliers] rather than rates which will be in effect prior to the effective date of United's PGA rate increase; . . . and [2] the amounts to be recorded in the Unrecovered Purchase Gas Account will not be based on per books costs * * *."

4. On July 18, 1972, United filed a revised PGA tariff, eliminating the "rates claimed" language from the surcharge adjustment portion of its tariff (§ 19.8) and substituting "suppliers' rates booked by [United] for the month."

5. United stated during the course of this investigation that it intended the "suppliers' rates booked by [United] * * *" language to allow it to record in its books and use in its PGA filings,

¹ Order No. 452 has been supplemented by Order No. 452-A, Order No. 452-B, Order 18, and Order 47. Reference hereafter to Order No. 452 includes all orders supplemental thereto.

² Letter Order to United Dated June 30, 1972 at 1.

what it believed to be its eventual liability for the gas, rather than the rate it was legally obligated to pay or was actually paying as of the effective date of its PGA filings.

6. On August 25, 1972, the Commission issued an order accepting United's revised PGA tariff, subject to revisions not relevant here.²

7. Laclede Gas Company and Mississippi Valley Gas Company filed Petitions for Rehearing of the August 25, 1972 order, alleging that the current adjustment portion of United's tariff (§ 19.4), which was approved in the Commission's August 25th order, would allow United to "bill its customers on the basis of future estimated costs of gas purchased which are not being experienced by United at the effective date of the change in rate in contravention of the requirements of Order Nos. 452 and 452-A * * *."³

8. United replied that its PGA tariff "will reflect neither changes in supplier rates which occur after Current Adjustments are made effective, nor the effect of the cost of new supplies which United is able to connect after Current Adjustments are made effective."⁴

9. In response, the Commission stated: "While United's understanding of Section 19.4 appears consistent with the requirements of Order Nos. 452 and 452-A, the language of the proposed Section 19.4 is unclear in this regard.

Accordingly, United will be required to file tariff sheets reflecting a revised Section 19.4."⁵

10. Section 19.4 of United's PGA tariff, as revised by the Commission, required that the current adjustment "be computed on the basis of actual rates which are payable to [United's] suppliers as of the effective date of the Current Adjustment and [that] such total cost shall reflect the annualization of changes in takes from existing suppliers and the purchases of new supplies . . . provided, however, that such changes in takes and purchase of such new supplies occur as of the effective date of the Current Adjustment."⁶

11. Since 1972, United has used unpaid accruals⁷ in determining its current adjustment.

12. Since 1972, United has used unpaid accruals in determining its monthly cost of purchased gas.

13. Since 1972, United has used unpaid accruals in determining Account No. 191.

14. Since 1972, United has used unpaid accruals in determining its surcharge adjustments.

15. United's inclusion of unpaid accruals in its PGA filings resulted in United's collection of amounts from its customers prior to the time the Commission's PGA rules, regulations, orders and its PGA tariff allowed United to collect them.

16. United's inclusion of unpaid accruals in its PGA filings resulted in United's collection of amounts from its customers based on rates which were not established until after the effective date of the respective PGA filing.

17. United's inclusion of unpaid accruals in its PGA filings resulted in United's collection of amounts from its customers prior to the time it actually paid its suppliers or determined that it was not required to pay these amounts.

18. United's representations to the Commission that its proposed PGA rates were calculated in accordance with its PGA tariff and applicable Commission rules, regulations and orders, may have constituted material misrepresentations of fact to the Commission.

19. Pursuant to Order No. 452 and the Commission's PGA rules, regulations and orders, the Commission issued a series of orders requiring United to remove unincurred (unpaid accruals) amounts from its PGA filings. For example, United has been required to:

(a) Refile its tariff sheets:

(i) Eliminating from PGA No. 76-2 producer rates reflected in, but not incurred, in both the deferred account and the current cost of gas account (United Gas Pipe Line, Docket No. RP72-133 (PGA 76-2), April 30, 1976);

(ii) Eliminating from PGA Nos. 77-1, 77-1a, 77-2, 78-1, 78-2 and 79-1 all anticipated producer increases not incurred by the effective date of the PGA (United Gas Pipe Line, Docket No. RP72-133 (PGA Nos. 77-1 & 77-1a), December 29, 1976; United Gas Pipe Line, Docket No. RP72-133 (PGA 77-2), June 30, 1977; United Gas Pipe Line, Docket No. RP72-133 (PGA 78-1), December 30, 1977; United Gas Pipe Line, Docket No. RP72-133 (PGA 133) (PGA 79-1), December 28, 1978); and

(iii) Reflecting the discontinuation in PGA No. 77-2 of the recovery of emergency natural gas costs (United Gas Pipe Line, Docket No. RP72-133 (PGA 77-2), July 18, 1979);

(b) Pay interest on refunds of amounts which represented unpaid accruals and which were included in PGA No. 80-2 (United Gas Pipe Line, Docket No. TA80-2-11, 11 FERC ¶61,349 (June 30, 1980));

(c) Remove from its deferred account all estimated payments related to BTU contract adjustments in PGA No. 81-2 (United Gas Pipe Line, Docket No. TA81-2-11, 15 FERC ¶61,314 (June 30, 1981)); and

(d) Remove unpaid accruals from its deferred account in PGA No. 82-1 (United Gas Pipe Line, Docket No. TA82-1-11, 17 FERC ¶61,567 (December 31, 1981)).

20. United has continued to include unpaid accruals in its PGA filings notwithstanding orders such as those cited above.

21. Based on the foregoing, it appears that by its inclusion of unpaid accruals in its PGA calculations, filings and rates, United may have violated sections 4 and 8 of the NGA, related Commission rules, regulations and orders, including but not limited to 18 CFR 154.38 and United's PGA tariff.

III

In addition to the matters set forth in the previous paragraphs, which involve all of United's PGA filings from 1972 to the present, there are also several of United's PGA filings which have not been finally approved or disapproved by the Commission. It appears that it would be appropriate to consolidate all open PGA dockets, together with the issues raised above, in one proceeding.

IV

At this time, the Commission takes no position with regard to the matters set forth above. Specifically, the Commission herein neither makes findings of fact nor reaches conclusions of law with regard to United or the matters set forth above. However, the Commission finds it appropriate that these matters be set for hearing, in order that these issues may be fully resolved in an adjudicatory proceeding.

The Commission finds:

Good cause exists for requiring, and the public interest in administering the NGA demands, that United be ordered to show cause why it should not be found to have violated sections 4 and 8 of the NGA, related Commission rules, regulations and orders thereunder, including but not limited to 18 CFR

² United amended its PGA tariff in 1977 and subsequent to the passage of the NCPA.

³ "Order Denying Application for Rehearing," Docket No. RP72-133, 48 F.P.C. 749 (October 6, 1972).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Unpaid accruals may include, but are not limited to, estimated or anticipated unpaid amounts and estimated or anticipated unpayable amounts which may never be paid or which may be due at some unspecified time in the future (e.g., the difference between the current contract prices being

paid, and a new price which is being negotiated) (Accrue-But-Don't-Pay) and known and measurable amounts which are not paid for some reason (e.g., the death of an interest owner whose heirs are unknown) (Suspended Payables).

154.38, and its PGA tariff by its inclusion of unpaid accruals in its PGA calculations, filings and rates charged to its customers from 1972 to the present; and why the Commission should not order any and all appropriate remedies, including but not limited to (a) disgorgement of an amount representing the time value or other benefits which United may have realized as a result of its improper collections; and (b) exclusion of unpaid accruals from United's PGA filings; or (c) inclusion of a carrying charge reflecting the use of unpaid accruals in United's PGA filings.

Good cause exists for the review and reevaluation of all of United's PGA tariff filings since 1972 for the inclusion of unpaid accruals together with the consolidation into this proceeding, of all United's pending PGA filings in Docket Nos. RP72-133, TA80-1-11, TA80-2-11, TA81-1-11, TA81-2-11, TA82-11, TA82-2-11, TA83-1-11, TA83-1-11-001, TA83-2-11, TA83-2-11-001, and TA84-1-11.

The Commission orders:

(A) United shall file an answer to this Order To Show Cause pursuant to Rule 213 of the Commission's Rules of Practice and Procedure, (18 CFR 385.213) and show cause, in writing and under oath on or before February 22, 1984, as to why it should not be found to have violated Sections 4 and 8 of the NGA, related Commission rules, regulations and orders issued thereunder, including but not limited to 18 CFR 154.38, and its PGA tariff as a result of its inclusion of unpaid accrual amounts in its PGA calculations, filings and rates charged to its customers from 1972 to the present; and why the Commission should not order any and all appropriate remedies. Accordingly, United shall admit or deny, specifically and in detail, each allegation of this Order to Show Cause and shall set forth every defense relied upon.

(B) Docket Nos. RP72-133, TA80-1-11, TA80-2-11, TA81-2-11, TA83-1-11, TA83-1-11-001, TA83-2-11, TA83-2-11-001, and TA84-1-11 are hereby consolidated for the purpose of hearing and decision together with the issues set forth in the preceding paragraph. In addition, TA81-1-11, TA82-1-11, and TA82-11, which are the subject of pending Commission orders granting rehearing for purposes of further consideration, are hereby consolidated in this proceeding, and the pending petitions for rehearing are hereby granted. The Presiding Administrative Law Judge shall have the authority to amend this Order for the purpose of including any other appropriate United PGA docket(s), if any, which may have been inadvertently omitted.

(C) Pursuant to sections 4, 14, 15, and 16 of the NGA and Rule 601 of the Commission's Rules of Practice and Procedure (18 CFR 385.601), a prehearing conference shall be convened in this proceeding in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, at a date and time to be established by the Chief Administrative Law Judge. Respondents should be fully prepared, as set forth in Rule 601(b) of the Commission's Rules of Practice (18 CFR 385.601(b)), to discuss any and all matters to be considered at the conference.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall preside at the prehearing conference in this proceeding, with authority to establish the hearing date, to establish and change procedural dates and to rule on motions, all as provided for in the Commission's Rules of Practice, 18 CFR Part 385. The designated Administrative Law Judge shall conduct the hearing pursuant to 18 CFR 385.501 *et seq.*, and shall have all authority delegated by 18 CFR 385.504. Because information concerning inclusion of unpaid accruals in PGA calculations, filings and rates, is critical to the resolution of this proceeding, the Presiding Administrative Law Judge shall allow liberal discovery on those and all related matters. In addition, the Presiding Administrative Law Judge shall divide the proceeding into two phases: the first phase to be concerned with whether or not United's inclusion of unpaid accruals in its PGA calculations, filings and rates at any time from 1972 to the present, violates Sections 4 and 8 of the NGA, related Commission rules, regulations and orders, including but not limited to 18 CFR 154.38, and United's PGA tariff and, if so, the appropriate remedy, if any, to be applied; the second phase to be concerned with the resolution of any other issues remaining in the pending United PGA dockets, and if so, the appropriate remedy, if any, to be applied. The Presiding Administrative Law Judge shall render a decision pursuant to 18 CFR 385.701.

(E) Petitions for intervention shall be filed no later than February 3, 1984.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2346 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-208-000]

The Washington Water Power Co.; Filing

January 24, 1984.

The filing Company submits the following:

Take notice that The Washington Water Power Company (WWP) on January 13, 1984, tendered for filing proposed changes in its FERC Electric Service Tariff, Schedule 61. The proposed changes would increase revenues from jurisdictional sales and service by approximately \$998,000 based on the 12-month period ending September 30, 1983.

WWP states that the proposed rate change is submitted for the purpose of compensating The Washington Water Power Company primarily for the addition of two production facilities to plant in service and also for increases in its cost of capital, labor, materials, supplies and taxes.

According to WWP copies of the filing have been served upon the five Washington Water Power wholesale customers affected by this filing.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 6, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2383 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF84-109-000]

The City of San Diego; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

January 23, 1984.

On December 19, 1983, The City of San Diego, 202 "C" Street, San Diego, California, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the

Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed topping-cycle cogeneration facility will be located in the City of San Diego's metropolitan sewer pump station site. The system will consist of two gas turbines, each driving an electric generator, two waste heat boilers, and a steam turbine driver pump. The gross electric power production capacity will be 5,300 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. A person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-2339 Filed 1-26-84; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51498; TSH FRL 2495-4]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 83-34081, beginning on page 56846, in the issue of Friday, December 23, 1983, on page 56847, in the first column, under "PMN 84-262", in the fifth line, "3a,4,7,7a-" should read "3a,4,7,7a-".

BILLING CODE 1505-01-M

[PF-353; PH-FRL 2489-3]

Certain Companies; Pesticide Petitions

Correction

In FR Doc. 83-33483, appearing on page 56436, in the issue of, Wednesday, December 21, 1983, in the second column, in the first complete paragraph,

"PP 4F2980", in the sixth line, "(2,4,5,5-" should read "(2,4,5,6-".

BILLING CODE 1505-01-M

[OPTS-59137A/59138A; TSH-FRL 2490-4]

Certain Chemicals; Approval of Test Marketing Exemptions

Correction

In FR Doc. 83-33478, appearing on page 55916, in the issue of Friday, December 16, 1983, in the second column, in the entry TME 84-1, the fourteenth and fifteenth lines should read: "Commencing on: December 9, 1983."

BILLING CODE 1505-01-M

[ER-FRL-2514-4]

Availability of Environmental Impact Statements Filed January 16 Through January 20, 1984, Pursuant to 40 CFR 1506.9

Responsible Agency

Office of Federal Activities, General Information, (202) 382-5073 or (202) 382-5075.

EIS No. 840012, DRevised, COE, FL, Amelia Island Beach Erosion Control, Nassau County, Due: March 12, 1984.

EIS No. 840013, Draft, NRC, IL, Braidwood Station Units 1 and 2, Operating License, Will County, Due: March 12, 1984.

EIS No. 840014, Draft, NRC, WA, WPPSS Nuclear Project No. 3, Operating License, Grays Harbor County, Due: March 12, 1984.

EIS No. 840015, Draft, MMS, AK, 1984, Gulf of Alaska/Cook Inlet OCS Oil and Gas Sale, Leasing, Due: March 12, 1984.

EIS No. 840016, Draft, COE, VA, Roanoke River Upper Basin Flood Damage Reduction, Headwaters Area, Roanoke, Botetourt, Floyd, and Montgomery Counties, Due: March 12, 1984.

EIS No. 840017, DRevised, COE, FL, Key Biscayne Beach, Erosion Control and Shore Protection, Key Biscayne County, Due: March 12, 1984.

EIS No. 840018, Final, FHW, DC, Barney Circle Freeway/I-295 Modification, Southeast Freeway to Anacostia Freeway, Washington, DC, Due: February 27, 1984.

EIS No. 840019, Final, BLM, NV, Shoshone-Eureka Resource Area, Resource Mgmt. Plan, Lander, Nye and Eureka Counties, Due: February 27, 1984.

EIS No. 840020, Draft, FHW, UT, West Valley Highway Construction, 9000

South Street to 2100 South Street, Salt Lake County, Due: March 16, 1984.

EIS No. 840021, DSuppl, ICC, MT, Tongue River Railroad, Construction/Operation, Certificate, Custer, Rosebud, and Powder River Counties, Due: March 12, 1984.

EIS No. 840022, Final, USPS, CT, U.S. Postal Service General Mail Facility Relocation, Fairfield County, Due: February 27, 1984.

Amended Notices

EIS No. 830628, Draft, HI, Kahawainui Stream Flood Control, Laie, Island of Oahu, Honolulu County, Due: January 31, 1984. Published FR December 9, 1983, Review Extended.

EIS No. 840003, Draft, NOAA, HI, Hawaii Humpback Whale National Marine Sanctuary, Designation, Due: March 12, 1984. Published FR January 13, 1984, Filing Date Reestablished Due to Noncompletion of Distribution.

Dated: January 24, 1984.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 84-2390 Filed 1-26-84; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-51503, TSH FRL 2514-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). This notice announces receipt of seventeen PMNs and provides a summary of each.

DATES:

Close of Review Period:

PMN 84-328, 84-329, 84-330, 84-331, 84-332, and 84-333—April 15, 1984.

PMN 84-334, 84-335, 84-336, 84-337, 84-338, 84-339 and 84-340—April 16, 1984.

PMN 84-341, 84-342, 84-343, and 84-344—April 17, 1984.

Written comments by:

PMN 84-328, 84-329, 84-330, 84-331, 84-332, and 84-333—March 16, 1984.

PMN 84-334, 84-335, 84-336, 84-337, 84-338, 84-339, and 84-340—March 17, 1984.

PMN 84-341, 84-342, 84-343, and 84-344—March 18, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-51503]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Margaret Stasikowski, Acting Chief, Premanufacturing Notice Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

PMN 84-328

Manufacturer. Confidential.

Chemical. (G) Modified linseed alkyd.

Use/Production. (G) The new substance will function as an ingredient in ink which are commercially applied to various substrates in an open use. Prod. range: 50,000-110,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 51 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 0.05-50 kg/batch released to land. Disposal by incineration and landfill.

PMN 84-329

Manufacturer. Confidential.

Chemical. (G) Substituted heteropolycyclic sulfonic acid.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-330

Manufacturer. Confidential.

Chemical. (G) Substituted aryl heteropolycycle sulfonic acid, sodium salt.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-331

Manufacturer. General Electric Company.

Chemical. (G) Terephthalic acid, polymer with polytetramethylene ether glycol and alkane diols.

Use/Production. (S) Consumer and sporting goods, automotive and industrial fasteners for industrial, commercial and consumer goods. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 130 workers, up to 10 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. 10 kg/batch released to land. Disposal by Resource Conservation and Recovery Act (RCRA) regulations.

PMN 84-332

Manufacturer. Ashland Chemical Company.

Chemical. (G) Acrylic ester copolymer.

Use/Production. (G) Pressure sensitive adhesive for commercial applications. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 8 hrs/da, up to 3 da/yr.

Environmental Release/Disposal. Less than 10 kg/batch released. Disposal by publicly owned treatment works (POTW).

PMN 84-333

Manufacturer. Ashland Chemical Company.

Chemical. (S) Acrylic ester copolymer.

Use/Production. (G) Pressure sensitive adhesive for commercial applications. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 8 hrs/da, up to 3 da/yr.

Environmental Release/Disposal. Less than 10 kg/batch released. Disposal by (POTW).

PMN 84-334

Manufacturer. Confidential.

Chemical. (G) Polyester-imide resin.

Use/Production. (G) Intermediate for electrical insulation coatings. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-335

Manufacturer. Confidential.

Chemical. (G) Metal carboxylate.

Use/Production. (G) Polymeric dispersant for printing ink materials. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. No release. Disposal by POTW.

PMN 84-336

Manufacturer. Westinghouse Electric Corporation.

Chemical. (S) Polymer of: Melamine, formaldehyde, o,p toluenesulfonamide, methyl glucoside, sodium hydroxide, guanidine carbonate, magnesium bromide.

Use/Production. (S) Site-limited thermosetting resin for manufacturing laminated plastics. Prod. range: 10,000,000-15,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 178 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. No data submitted.

PMN 84-337

Manufacturer. Westinghouse Electric Corporation.

Chemical. (S) Polymer of: Phenol, nonyl phenol, formaldehyde, methyl glucoside, sodium carbonate, ammonium sulfamate.

Use/Production. (S) Site-limited thermosetting resin for manufacturing laminated plastics. Prod. range: 12,000,000-15,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 160 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. No data submitted.

PMN 84-338

Manufacturer. Westinghouse Electric Corporation.

Chemical. (S) Polymer of: Melamine, formaldehyde, methyl glucoside, sodium hydroxide, guanidine carbonate.

Use/Production. (S) Site-limited thermosetting resin for manufacturing laminated plastics. Prod. range: 10,000,000-15,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 178 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. No data submitted.

PMN 84-339

Manufacturer. Westinghouse Electric Corporation.

Chemical. (S) Polymer of: Phenol, nonyl phenol, formaldehyde Reax 27D, methyl glucoside, sodium carbonate.

Use/Production. (S) Site-limited thermosetting resin for manufacturing laminated plastics. Prod. range: 12,000,000-15,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 160 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. No data submitted.

PMN 84-340

Manufacturer. Westinghouse Electric Corporation.

Chemical. (S) Polymer of: Phenol, nonyl phenol, formaldehyde Reax 27D, sodium carbonate.

Use/Production. (S) Site-limited thermosetting resin for manufacturing laminated plastics. Prod. range: 12,000,000-15,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 160 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. No data submitted.

PMN 84-341

Importer. Confidential.

Chemical. (S) Poly[oxy(1-oxo-1,6-hexanediyl)], alpha-hydro-omega-hydroxy-, ester with 3-hydroxy-2,2-dimethylpropyl 3-hydroxy-2,2-dimethylpropanoate (2:1), di-2-propenoate.

Use/Import. (S) Industrial reactive diluent for UV curable resins. Import range: Confidential.

Toxicity Data. Irritation: Skin—0.1-0.3; Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 84-342

Importer. Confidential.

Chemical. (S) Poly[oxy(1-oxo-1,6-hexanediyl)], alpha-(1-oxo-2-propenyl)-omega-[(tetrahydro-2-furanyl)methoxy]-.

Use/Import. (S) Industrial reactive diluent for UV curable resins. Import range: Confidential.

Toxicity Data. Irritation: Skin—1.3-3.5; Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 84-343

Importer. Confidential.

Chemical. (S) Poly[oxy(1-oxo-1,6-hexanediyl)], alpha-hydro-omega-hydroxy-, ester with 2,2'[(oxybis(methylene))bis(2-(hydroxymethyl)-1,3-propanediol) 2-propenoate, 2-propenoate.

Use/Import. (S) Industrial reactive diluent for UV curable resins. Import range: Confidential.

Toxicity Data. Acute oral: 10,000 mg/kg; Irritation: Skin—0.0-0.2; Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 84-344

Importer. Confidential.

Chemical. (S) 2-propenoic acid, [2-[1,1-dimethyl-2-[(1-oxo-2-propenyl)oxy]ethyl]-5-ethyl-1,3-dioxan-5-yl]methyl ester.

Use/Import. (S) Industrial reactive diluent for UV curable resins. Import range: Confidential.

Toxicity Data. Irritation: Skin—0.3; Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: January 23, 1984.

Linda A. Travers,
Acting Director, Information Management Division.

[FR Doc. 84-2319 Filed 1-26-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59143; TSH-FRL 2514-7]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by February 13, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-59143]" and the specific TME number should be sent to: Document Control Officer (TS-793), Information

Management Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Margaret Stasikowski, Acting Chief, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

TME 84-23

Close of Review Period. March 2, 1984.

Manufacturer. Halocarbon.

Chemical. (S) 3,3,3-trifluoropropanol.

Use/Production/Import. (S) To be used for laboratory testing by interested chemist in the pharmaceutical and agricultural fields. Prod. range: Confidential.

Toxicity Data. No data on the TME substances submitted.

Exposure. Manufacturer: a total of 50 workers minimal.

Environmental Release/Disposal. No data submitted.

TME 84-24

Close of Review Period. March 2, 1984.

Manufacturer. Cordova Chemical Company of Michigan.

Chemical. (G) Alkylated Polyethylenimine

Use/Production. (S) Used in applications where it is desirable to disperse hydrocarbons in aqueous medias. Prod. range: 1,000 gallons per year.

Toxicity Data. Acute oral: Female rats, 867 mg/kg, male rats, 713 mg/kg; Irritation: Skin—Slightly.

Exposure. Manufacturer: dermal and inhalation, a total of 400 workers.

Environmental Release/Disposal. Negligible. Disposal by incineration.

Dated: January 20, 1984.

V. Paul Fuschini,
Acting Director, Information Management Division.

[FR Doc. 84-2320 Filed 1-26-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-682-DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency
Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the
Notice of a major disaster for the State
of California (FEMA-682-DR), dated
May 5, 1983, and related determinations.

DATED: January 19, 1984.

FOR FURTHER INFORMATION CONTACT:

Sewall H. E. Johnson, Disaster
Assistance Programs, Federal
Emergency Management Agency,
Washington, D.C. 20472; (202) 287-0501.

SUPPLEMENTARY INFORMATION: The
notice of a major disaster for the State
of California dated May 5, 1983, is
hereby amended to include the
following area among those areas
determined to have been adversely
affected by the catastrophe declared a
major disaster by the President in his
declaration of May 5, 1983:

Fresno County is designated eligible
for Federal assistance to disaster-
damaged public schools under Pub.
L. 81-815 and Pub. L. 81-874, as
appropriate.

(Catalog of Federal Domestic Assistance No.
83.516, Disaster Assistance. Billing Code
6718-02)

Samuel W. Speck,

Associate Director, State and Local Programs
and Support, Federal Emergency
Management Agency.

[FR Doc. 84-2274 Filed 1-25-84; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

[Docket No. 84-1]

Exportan, Inc. v. Texas Gulf Iberia Navigation Co. Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed
by Exportan, Inc. against Texas Gulf
Iberia Navigation Company,
Incorporated was served January 16,
1984. Complainant alleges that
respondent has violated section 44 of
the Shipping Act, 1916, in connection
with ocean freight forwarding services it
performed for various ocean shipments
of complainant.

This proceeding has been assigned to
Administrative Law Judge Joseph N.
Ingolia. Hearing in this matter, if any is
held, shall commence within the time
limitations prescribed in 46 CFR 502.61.

The hearing shall include oral testimony
and cross-examination in the discretion
of the presiding officer only upon proper
showing that there are genuine issues of
material fact that cannot be resolved on
the basis of sworn statements,
affidavits, depositions, or other
documents or that the nature of the
matter in issue is such that oral hearing
and cross-examination are necessary for
the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 84-2306 Filed 1-26-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

First Neodesha Bancshares, Inc.; Formation of Bank Holding Company

The company listed in this notice has
applied for the Board's approval under
section 3(a)(1) of the Bank Holding
Company Act (12 U.S.C. 1842(a)(1)) to
become a bank holding company by
acquiring voting shares or assets of a
bank. The factors that are considered in
acting on the application are set forth in
section 3(c) of the Act (12 U.S.C.
1842(c)).

The application may be inspected at
the offices of the Board of Governors, or
at the Federal Reserve Bank indicated.
With respect to the application,
interested persons may express their
views in writing to the address
indicated. Any comment on the
application that requests a hearing must
include a statement of why a written
presentation would not suffice in lieu of
a hearing, identifying specifically any
questions of fact that are in dispute and
summarizing the evidence that would be
presented at a hearing.

A. Board of Governors of the Federal
Reserve System (William W. Wiles,
Secretary), Washington, D.C. 20551:

1. *First Neodesha Bancshares, Inc.*,
Neodesha, Kansas; to become a bank
holding company by acquiring 95.3
percent of the voting shares of The First
National Bank of Neodesha, Neodesha,
Kansas. This application may be
inspected at the offices of the Board of
Governors or the Federal Reserve Bank
of Kansas City. Comments on this
application must be received not later
than February 22, 1984.

Board of Governors of the Federal Reserve
System, January 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2252 Filed 1-26-84; 8:45 am]

BILLING CODE 6210-01-M

Mellon National Corp., et al.; Engaging De Novo in Permissible Nonbanking Activities

The bank holding companies listed in
this notice have filed a notice under
§ 225.23(a)(1) of the Board's Regulation
Y (49 FR 794) for the Board's approval
under § 4(c)(8) of the Bank Holding
Company Act (12 U.S.C. 1843(c)(8)) and
§ 225.21(a) of Regulation Y (49 FR 794) to
commence or to engage *de novo*, either
directly or through a subsidiary, in a
nonbanking activity that is listed in
§ 225.25 of Regulation Y as closely
related to banking and permissible for
bank holding companies. Unless
otherwise noted, such activities will be
conducted throughout the United States.

Each application is available for
immediate inspection at the Federal
Reserve Bank indicated for that
application. Once the application has
been accepted for processing, it will also
be available for inspection at the offices
of the Board of Governors. With respect
to each notice, interested persons may
express their views in writing on the
question whether consummation of the
proposal can "reasonably be expected to
produce benefits to the public, such as
greater convenience, increased
competition, or gains in efficiency, that
outweigh possible adverse effects, such as
undue concentration of resources,
decreased or unfair competition,
conflicts of interests, or unsound
banking practices." Any request for a
hearing on this question must be
accompanied by a statement of the
reasons a written presentation would
not suffice in lieu of a hearing,
identifying specifically any questions of
fact that are in dispute, summarizing the
evidence that would be presented at a
hearing, and indicating how the party
commenting would be aggrieved by
approval of the proposal.

Unless otherwise noted, comments
regarding each of these applications
must be received at the Reserve Bank
indicated for the application or the
offices of the Board of Governors not
later than February 17, 1984.

A. Federal Reserve Bank of Cleveland
(Lee S. Adams, Vice President) 1455
East Sixth Street, Cleveland, Ohio 44101:

1. *Mellon National Corporation*,
Pittsburgh, Pennsylvania; to expand the
geographic scope of permissible
insurance underwriting activities (such
insurance underwriting activity being a
permissible activity under Subparagraph
A of Title VI of the Garn-St Germain
Depository Institutions Act of 1982).

2. *Provident Bancorp, Inc.*, Cincinnati,
Ohio; To engage *de novo* through its
subsidiary, Provident Securities &

Investment Company, Cincinnati, Ohio, in discount securities activities solely as agent for the account of customers.

B. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Kentucky National Corporation*, Louisville, Kentucky; To engage *de novo* through its subsidiary NPC of Arizona, Inc., Phoenix, Arizona, in data (remittance) processing activities.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *A.S.B. Bancshares, Inc.*, Archie, Missouri; To engage, through its subsidiary, a corporation proposed to be formed for such purposes, in the sale of general insurance, except life insurance and annuities, in a town with a population not exceeding 5,000.

2. *Metro Bank Corp.*, Denver, Colorado; To engage *de novo* through its subsidiary, Metro Insurance Corporation, Denver, Colorado, in the sale of credit life and accident and health insurance as permitted by state law.

3. *Union Bancshares, Inc.*, Wichita, Kansas; To engage *de novo*, through its subsidiary, UBI Leasing, Inc., Wichita, Kansas, in the making of consumer and commercial leases in accordance with the Board's Regulation Y.

4. *Union Bancshares, Inc.*, Wichita, Kansas; To engage *de novo*, through its subsidiary, UBI Mortgage Banking, Inc., Wichita, Kansas, in the making or acquiring for its own account, or to be packaged and sold to others, mortgage loans, such as would be made or acquired by a mortgage banking company.

Board of Governors of the Federal Reserve System, January 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2246 Filed 1-26-84; 8:45 am]

BILLING CODE 6210-01-M

Liberty Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulatory Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated for that application. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to each application, interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 21, 1984.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Liberty Bancorp, Inc.*, Charleston, South Carolina; to become a bank holding company by acquiring 80 percent of the voting shares of Liberty National Bank, Charleston, South Carolina.

B. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Jeff City Bancorp, Inc.*, (Jeffco), Woodlawn, Illinois; to become a bank holding company by acquiring 78.7 percent of the voting shares of The First National Bank of Woodlawn, Woodlawn, Illinois.

2. *Landmark Bancshares Corporation*, St. Louis Missouri; to acquire 80 percent or more of the voting shares or assets of The First National Bank of St. Charles, St. Charles, Missouri.

C. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *McKenzie County Bancorp*, Watford City, North Dakota; to become a bank holding company by acquiring 93 percent of the voting shares of McKenzie County National Bank, Watford City, North Dakota.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Security Corporation*, Duncan, Oklahoma; to acquire 52.37 percent of the voting shares or assets of Cache Road National Bank of Lawton, Lawton, Oklahoma.

E. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President)

400 South Akard Street, Dallas, Texas 75222:

1. *Marble Falls National Bancshares, Inc.*, Marble Falls, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Marble Falls National Bank, Marble Falls, Texas.

2. *Mercantile Texas Corporation*, Dallas, Texas; to acquire 100 percent of the voting shares or assets of Corpus Christi National Bank-South, Corpus Christi, Texas.

F. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Burlingame Bancorp*, Burlingame, California; to become a bank holding company by acquiring 100 percent of the voting shares of Burlingame Bank & Trust Co. (In Organization), Burlingame, California.

Board of Governors of the Federal Reserve System, January 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2251 Filed 1-26-84; 8:45 am]

BILLING CODE 6210-01-M

Northwest Georgia Financial Corp.; Engaging De Novo in Permissible Nonbanking Activities

The bank holding company listed in this notice has filed a notice under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to the notice, interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any

request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding this application must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than February 21, 1984.

A. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303;

1. *Northwest Georgia Financial Corporation*, Dallas, Georgia, to engage *de novo* through its subsidiary, West Georgia Mortgage Co., Inc., Dallas, Georgia, in the origination of mortgage loans in Paulding County and contiguous areas.

Board of Governors of the Federal Reserve System, January 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2248 Filed 1-26-84; 8:45 am]

BILLING CODE 6210-01-M

Old Stone Corp., et al.; Engaging *de novo* in Permissible Nonbanking Activities

The bank holding companies listed in this notice have filed a notice under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated for that application. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to each notice, interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such

as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than February 16, 1984.

A. Federal Reserve Bank of Boston
(Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106;

1. *Old Stone Corporation*, Providence, Rhode Island; To engage *de novo*, through its subsidiary UniMortgage Corporation of Tennessee, Memphis, Tennessee, in the origination, sale and servicing of first and second mortgage loans and the sale through American Standard Insurance Agency of credit-related life, health and accident insurance to be underwritten through reinsurance by The Motor Life Insurance Company, Jacksonville, Florida, an affiliated bank holding company subsidiary.

2. *Old Stone Corporation*, Providence, Rhode Island; To engage *de novo*, through its subsidiary, The Motor Life Insurance Company, Jacksonville, Florida, in the underwriting through reinsurance of credit-related life, health, and accident insurance written in connection with extensions of credit in the State of Tennessee by an affiliated bank holding company subsidiary, UniMortgage Corporation of Tennessee.

B. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Depositors Corporation*, Augusta, Maine; To engage, through a joint venture with Graphics/Firestone Leasing Company, Newton Center, Massachusetts in commercial leasing activities on a non-operating basis, including the making and purchasing of leases of personal property in accordance with Regulation Y. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston.

Board of Governors of the Federal Reserve System, January 23, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2247 Filed 1-26-84; 8:45 am]

BILLING CODE 6210-01-M

Preferred Equity Investors of Florida, Inc., et al.; Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303;

1. *Preferred Equity Investors of Florida, Inc.*, Knoxville, Tennessee, to indirectly acquire, and Landmark Banking Corporation of Florida, Ft. Lauderdale, Florida, to directly acquire 100 percent of the voting shares or assets of Landmark Bank of Palm Beach County, Boca Raton, Florida. Comments on this application must be received not later than February 22, 1984.

B. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *First Railroad & Banking Company of Georgia*, Augusta, Georgia; to acquire 100 percent of the voting shares or assets of the successor by merger to SBT Corporation, Savannah, Georgia and thereby acquire Savannah Bank & Trust Company, Savannah, Georgia; Bank of Screven County, Sylvania, Georgia; Commercial Bank, Waycross, Georgia; First National Bank & Trust Company, Vidalia, Georgia; The First National Bank of Valdosta, Valdosta, Georgia; and Central Bank of Georgia, Macon, Georgia. Comments on this application

must be received not later than February 22, 1984.

Board of Governors of the Federal Reserve System, January 23, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-2250 Filed 1-26-84; 8:45 am]

BILLING CODE 6210-01-M

Society Corp.; Merger of Bank Holding Companies

Society Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Interstate Financial Corporation, Dayton, Ohio ("Interstate") and indirectly The Third National Bank, Dayton, Ohio, and the Waynesville National Bank, Waynesville, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Society Corporation, Dayton, Ohio, has also applied to engage in the following nonbank activities: operation of a savings and loan association, through acquisition of Interstate's subsidiary, Scioto Savings Association; the underwriting of credit life and credit accident and health insurance directly related to extensions of credit by its subsidiary banks, through acquisition of Interstate's subsidiary, Financial Interstate Life Insurance Company; and data processing activities through acquisition of shares in Green Machine Network Corporation. Interstate had previously been granted approval to engage in the operation of a savings and loan association and to engage in the above mentioned data processing activities.

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 21, 1984. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 23, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-2249 Filed 1-25-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on January 20.

Public Health Service

Alcohol, Drug Abuse, and Mental Health Administration

Subject: Inventory of Mental Health Organizations (0930-0081)—
Reinstatement

Respondents: Mental health organizations exclusive of general hospitals

OMB Desk Officer: Fay S. Iudicello

Centers for Disease Control

Subject: Respirator Use Under Conditions of High Metabolic Demand—New

Respondents: Individuals and businesses

OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Child Relationship Statement (0960-0116)—Revision

Respondents: Guardians of children entitled to social security benefits

Subject: Intensive Case Management for Drug Addicts and Alcoholics—
Supplemental Security Income (SSI)
Residential/Nonresidential

Questionnaire (SSA-1190/1191)—New
Respondents: A sample of SSI recipients

OMB Desk Officer: Milo Sunderhauf

Health Care Financing Administration

Subject: Information Collection Requirements in 42 CFR 431.804(d) (3) and (4) (HCFA-R-37)—New

Respondents: Single State Medicaid agencies

OMB Desk Officer: Fay S. Iudicello

Office of Human Development Services

Subject: Section IV, Narrative, of Form 424, Application for Grant under Title VI of the Older Americans Act (0980-0050)—Reinstatement

Respondents: Indian tribes

OMB Desk Officer: Milo Sunderhauf

Office of the Secretary

Subject: Rural Development Loan Fund (RDLF) Reporting Forms—New

Respondents: RDLF recipients

OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. ATTN: (name of OMB Desk Officer).

Dated: January 19, 1984.

Robert F. Sermer,
Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84-2253 Filed 1-26-84; 8:45 am]

BILLING CODE 4150-04-M

Centers for Disease Control

Project Grants—Health Programs for Refugees; Availability of Funds for Fiscal Year 1984

The Centers for Disease Control announces the availability of funds for Fiscal Year 1984 for Project Grants for Health Programs for Refugees, Catalog of Federal Domestic Assistance Number 13.987. This grant program is authorized by section 412(b)(5) of the Immigration and Nationality Act (50 U.S.C. app. 1211(b)(5)), as amended by the Refugee Act of 1980, Pub. L. 96-212; the Refugee Amendments of 1982, Pub. L. 97-363; and the Further Continuing Appropriations for Fiscal Year 1984, Pub. L. 98-151.

The purpose of the program is to augment State and local resources in providing public health and general health assessments for refugees newly arrived in the United States. The term "refugee" is defined in section 101(a)(42) of the Immigration and Nationality Act. Any person so classified, regardless of national origin (except Soviet refugees for whom there is another special program to promote their private care and resettlement), shall be eligible for health assessment services under this program.

Eligible applicants are the official State health agencies and, in consultation with the State health agency, health agencies of political subdivisions of a State. Direct grants to health agencies of political subdivisions will not be considered for funding in 1984 where the State health agency applies for and receives a grant for programs within the State, except in special situations which are clearly justified to the Regional Health Administrator, Public Health Service, of the appropriate Department of Health and Human Services Regional Office. States are expected to work with agencies and organizations in localities with significant refugee populations to identify their health needs and to develop programs to meet these needs.

Based upon the Continuing Resolution for Fiscal Year 1984, \$2,212,000 is available to award approximately 45 continuation grants with the average award expected to be \$49,000, ranging from \$2,000 to \$635,000. The President's budget request, however, is for \$5,810,000, which may be available in Fiscal Year 1984 to award approximately 1 new and 45 continuation grants with the average award expected to be \$126,000, ranging from \$5,000 to \$1,600,000. Applications are currently invited based on the President's budget request; however, it may be necessary to fund them at the \$2,212,000 Continuing Resolution amount. Initial grants are usually funded for 12 months in a 1- to 3-year project period. Continuation awards within the project period are made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. Funding estimates outlined above may vary and are subject to change.

Priority for funding new grants will be placed on: (1) The extent of unmet public health needs associated with refugees; and (2) the need for general health assessments for refugees, with particular attention given to the identification of health problems which might affect employability, the referral of refugees for appropriate diagnostic and treatment services, and the identification of funding sources for needed services.

Applications for new grants will be reviewed on the basis of: (1) The size of the refugee population; (2) the extent of health problems among refugees; (3) the need for assistance in addressing health problems; (4) the capability of the applicant agencies to deliver or coordinate the delivery of needed services, particularly in those areas with high concentration of refugees needing intensified outreach and followup

services for tuberculosis preventive therapy, including the identification of providers of services, the establishment of referral programs, and the identification of financing arrangements for services; and (5) consistency with the State's comprehensive plan for refugee resettlement activities.

Applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs. Information on application and review procedures, deadlines, the consequences of late submission, and other materials may be obtained from the appropriate Department of Health and Human Services Regional Office as set forth below.

Dated: January 18, 1984.

James O. Mason,

Director, Centers for Disease Control.

Department of Health and Human Services (HHS) Regional Offices

Regional Health Administrator, PHS,
HHS Region I, John Fitzgerald
Kennedy Building, Boston,
Massachusetts 02203; (617) 223-6827

Regional Health Administrator, PHS,
HHS Region II, Federal Building, 26
Federal Plaza, Room 3337, New York,
New York 10278; (212) 264-2561

Regional Health Administrator, PHS,
HHS Region III, Gateway Building #1,
3521-35 Market Street, Mailing
Address: P.O. Box 13716, Philadelphia,
Pennsylvania 19101; (215) 596-6637

Regional Health Administrator, PHS,
HHS Region IV, 101 Marietta Towers,
Suite 1007, Atlanta, Georgia 30323;
(404) 221-2316

Regional Health Administrator, PHS,
HHS Region V, 300 South Wacker
Drive, 33rd Floor, Chicago, Illinois
60666; (312) 353-1385

Regional Health Administrator, PHS,
HHS Region VI, 1200 Main Tower
Building, Room 1835, Dallas, Texas
75202; (214) 767-3879

Regional Health Administrator, PHS,
HHS Region VII, 601 East 12th Street,
Kansas City, Missouri 64106; (816)
374-3291

Regional Health Administrator, PHS,
HHS Region VIII, 1185 Federal
Building, 1961 Stout Street, Denver,
Colorado 80294; (303) 837-6163

Regional Health Administrator, PHS,
HHS Region IX, 50 United Nations
Plaza, San Francisco, California 94102;
(415) 556-5810

Regional Health Administrator, PHS,
HHS Region X, 2901 Third Avenue,

MS. 402, Seattle, Washington 98121;
(206) 442-0430

[FR Doc. 84-2292 Filed 1-26-84; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 84M-0008]

Polymer Technology Corp.; Premarket Approval of The Boston Lens® II (Itafocon A) Contact Lens (Clear), The Boston™ Cleaner, and the Boston™ Conditioning Solution

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the applications for premarket approval under the Medical Device Amendments of 1976 of The Boston Lens® II (Itafocon A) Contact Lens (Clear), The Boston™ Cleaner, and The Boston™ Conditioning Solution, sponsored by Polymer Technology Corp., Wilmington, MA. After reviewing the recommendations of the Ophthalmic Device Section of the Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the applications were approved because the devices had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 27, 1984.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFZ-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301-427-7445.

SUPPLEMENTARY INFORMATION: On January 24, 1983, Polymer Technology Corp., Wilmington, MA 01887, submitted to FDA applications for premarket approval of The Boston Lens® II (Itafocon A) Contact Lens (Clear), The Boston™ Cleaner, and The Boston™ Conditioning Solution. The lens is a spherical lens that ranges in powers from -20.00 diopters (D) to +20.00 D. It is indicated for daily wear for the correction of visual acuity for not-aphakic persons with myopia, hyperopia, or keratoconus and for the correction of corneal astigmatism of up to 4.00 D. The Boston™ Cleaner is

indicated for cleaning The Boston Lens[®] II, and The Boston[®] Conditioning Solution is indicated for enhancing the wettability characteristics of The Boston Lens[®] II and reducing lens friction against the cornea. The Boston[™] Conditioning Solution also is indicated for relieving the minor irritation, discomfort, and blurring that can occur during lens wear and for disinfecting The Boston Lens[®] II after cleaning and rinsing. The applications were reviewed by the Ophthalmic Device Section of the Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the applications. On November 17, 1983, FDA approved the applications by a letter to the sponsor from the Associate Director for Device Evaluation of the National Center for Devices and Radiological Health. The approval covers the production and distribution of the lens by Polymer Technology Corp., and 61 contact lens finishing laboratories. Also, the approval covers the production and distribution of the lens cleaner and the lens conditioning solution by Polymer Technology Corp.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), contact lenses made of polymers other than polymethylmethacrylate (PMMA) and solutions for use with such contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(b) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), contact lenses made of polymers other than PMMA and solutions for use with such lenses are now regulated as class III medical devices (premarket approval). As FDA explained in a notice published in the *Federal Register* of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of contact lenses or solutions for use with such lenses comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request

from that office. A copy of all approved final labeling (which may be a draft of the final labeling) is available for public inspection at the National Center for Devices and Radiological Health—contact Charles H. Kyper (HPZ-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The approved labeling for The Boston Lens[®] II (itafocon A) Contact Lens (Clear) states that only The Boston[™] Cleaner and The Boston[™] Conditioning Solution may be used to clean and disinfect the lens. The approved labeling for The Boston[™] Cleaner and The Boston[™] Conditioning Solution states that they are to be used only with The Boston Lens[®] II (itafocon A) Contact Lens (Clear). The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended only for use with hard contact lenses.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve these applications. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the applications and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 27, 1984, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be

seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 23, 1984.
William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 84-2254 Filed 1-26-84; 8:45 am]
BILLING CODE 4160-01-M

Health Professional Organization Participation; Open Meeting

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming meeting with health professional organizations to be chaired by Mark Novitch, M.D., Acting Commissioner of Food and Drugs.

DATE: The meeting will be held from 1 p.m. to 3 p.m., Thursday, February 23, 1984.

ADDRESS: The meeting will be held at the Hubert H. Humphrey Bldg., Auditorium, 200 Independence Ave. SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Robert Veiga, Office of Health Affairs (HFY-40), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301-443-5470.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs meets periodically with executives of the health professional organizations to share mutual concerns and facilitate dissemination of FDA proposals and decisions affecting the country's health care.

The purpose of this meeting is to provide for a discussion and demonstration of electronic communications between FDA and representatives of the health professions.

Dated: January 20, 1984.
William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 84-2255 Filed 1-26-84; 8:45 am]
BILLING CODE 4160-01-M

Public Health Service

Health Resources and Services Administration; Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HB (Health Resources and Services Administration) of the Statement of Organization, Functions and Delegations of Authority of the

Department of Health and Human Services (47 FR 38409-24, August 31, 1982, as most recently amended at 48 FR 54538, December 5, 1983) is amended to reflect a reorganization of the Headquarters component of the Indian Health Service.

Under Section HB-10. Organization and Functions, delete all of the statement for the *Indian Health Service (HBN)* through *Division of Resource Coordination (HBND)* and substitute the following:

Indian Health Service (HBN). The Indian Health Service (IHS) assures a comprehensive health services delivery system for American Indians and Alaska Natives with sufficient options to provide for maximum tribal involvement in meeting their health needs. The goal for IHS is to raise the health level of the Indian and Alaska Native people to the highest possible level.

To carry out its mission and to attain its goal, IHS: (1) Assists Indian Tribes in developing their capacity to manage their health programs through activities including health management training, technical assistance and human resource development; (2) facilitates and assists Indian Tribes in coordinating health planning, in obtaining and utilizing health resources available through Federal, State and local programs, in operating comprehensive health programs, and in health program evaluation; (3) provides comprehensive health care services, including hospital and ambulatory medical care, preventive and rehabilitative services, and development of community sanitation facilities; and (4) serves as the principal Federal advocate for Indians in the health field to assure comprehensive health services for American Indians and Alaska Natives.

Office of the Director (HBN1). Provides overall direction and leadership for IHS by: (1) Establishing goals, objectives, policies and priorities in pursuit of the IHS mission; (2) providing leadership to ensure the delivery of high quality, comprehensive health services; (3) coordinating IHS activities and resources internally and externally with those of other governmental and nongovernmental programs, promoting optimum utilization of all available health resources; (4) developing and demonstrating alternative methods and techniques of health services management and delivery with a view to providing Indian Tribes and other Indian community groups with optional ways of participating in the Indian health program; (5) developing individual and

tribal capacities to participate in Indian health programs through means and modalities which they deem appropriate to their needs and circumstances; (6) affording Indian people an opportunity to enter a career in the IHS by applying Indian preference; (7) keeping the public fully informed on the activities of the IHS; and (8) encouraging full application of the principles of EEO.

Office of Administration and Management (HBN13). Under the direction of the Associate Director for Administration and Management: (1) Provides IHS-wide leadership, program direction, and coordination of all phases of management; (2) provides management expertise and staff advice and support to the Director in program and policy formulation and execution; (3) plans, directs, and coordinates IHS activities in the areas of management policy, financial management, personnel management, facilities management, debt management, third-party reimbursement, manpower management, grants and contracts management, procurement, real and personal property accountability and management, administrative services, and data systems management, development and operations.

Office of Planning, Evaluation and Legislation (HBN15). Under the direction of the Associate Director for Planning, Evaluation and Legislation: (1) Serves as the IHS's primary staff element and principal source of advice on program planning, program evaluation, and legislative affairs; (2) develops, in collaboration with financial management staff, the long-range program and financial plan for the IHS; (3) oversees, in coordination with the Office of the Administration, HRSA, communications between IHS and higher levels of the Department on all matters that involve long-range plans, evaluations of program performance, or legislative affairs; (4) develops long-range goals, objectives, and priorities for the IHS; (5) directs all activities within the IHS which compare the costs of the Agency's programs with their benefits, including the preparation and implementation of comprehensive program evaluation plans; (6) directs all the legislative affairs of IHS, including the development of legislative proposals and a legislative program; (7) plans, develops, directs and coordinates an analytical statistical reporting system providing data for measuring health status and appraising program activities; (8) conducts policy analyses and develops policy positions in programmatic areas for IHS, and (9) acts as the focal point in the agency for the

preparation, development, and monitoring of IHS regulations.

Office of Program Operations (HBNE). Under the direction of the Associate Director for Program Operations: (1) Provides consultation and technical assistance to all operating and management levels of the IHS and Indian Tribes in the design and implementation of health management and health delivery systems; (2) coordinates health research and development activities within the IHS directed to the improvement of the health of Indian people; (3) provides guidance and support to all field activities related to the day-to-day delivery of health care; (4) provides Service-wide leadership in health program operations in relation to IHS goals, objectives, policies, and priorities; (5) directs the development and implementation of health services, standards, quality control, operational planning activities and program reviews of health programs; and (6) provides leadership, guidance, and coordination of the environmental health, and occupational health and safety programs.

Division of Clinical and Environmental Services (HBNE2). (1) Provides direction for the operation of the health delivery activities of the IHS; (2) handles all logistics associated with the conduct of program reviews of Service Units, Area Offices, and Headquarters units; (3) advises on assessment findings for potential implications for IHS policy, plans, programs and operations; (4) develops quality of care criteria for evaluation, standards of care, and guidelines for the maintenance of the quality assurance program of the IHS; (5) conducts monitoring activities to assess the quality of care provided by the Indian Health Service; and (6) provides leadership, guidance and coordination of the environmental health, and occupational health and safety programs.

Division of Health Support Activities (HBNE3). (1) Directs and manages the Contract Health Services function; (2) coordinates recruiting activities; (3) assesses professional staffing needs and develops strategies and systems to see that these needs are satisfied; and (4) interfaces with other organizations on all matters related to the professional staffing requirements of the IHS.

Division of Health Systems Development (HBNE4). (1) Develops and demonstrates methods and techniques for the improved operation and management of the health program; (2) provides consultation and technical

assistance to all operating and management levels of the IHS and Indian Tribes in the design and implementation of health management and service delivery systems; (3) coordinates health research and development activities within the Service directed to improving the health of the Indian people; and (4) manages the clinical training function.

Office of Tribal Activities (HBNG). Under the direction of the Associate Director for Tribal Activities: (1) Serves as the focal point to provide policy guidance to Tribes, tribal organizations, and urban Indian organizations; (2) identifies the needs for and characteristics of optional methods and techniques for Indian program participation; (3) implements new methods and techniques for Indian community participation in and management of their health programs; (4) assists Tribes, as appropriate, that do not want to manage their own health programs to gain greater influence over their community's health programs by providing the Tribes with technical assistance, training, and guidance; (5) advises on the Indian community development implications of the Service's plans, programs and operations; (6) develops standards and policy for all tribal contracts; and (7) provides broad guidance on the conduct of tribal contract reviews by the Area Offices.

Division of Community Development and Tribal Support (HBNG2). (1) Identifies the best means for increasing Indian program participation; (2) implements methods and techniques to enable Indian communities that want to, to participate more fully in the management of their health programs; and (3) assists Tribes that do not wish to manage their own health programs to develop their ability to influence the health programs in their communities by providing the Tribes with technical assistance, training and consultation.

Division of Indian Resources Liaison (HBNG3). (1) Implements special Indian legislation and authorities; (2) formulates policies to ensure effective implementation of tribally/urban operated administrative management systems, including contracts, grants, personnel, leasing, and human resource development activities; (3) develops, plans, and implements a policy information system for dissemination to and use by Tribes, tribal/urban Indian organizations, and IHS staff; and (4) coordinates development of various policy guidance material to transmit standards and criteria methodology, and general understanding across IHS

concerning the elements of administrative systems.

Dated: January 23, 1984.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 84-2323 Filed 1-26-84; 8:45 am]

BILLING CODE 4160-15-M

Privacy Act of 1974; Systems of Records

AGENCY: Public Health Services, HHS.

ACTION: Notification of a proposal to add three routine uses and a special disclosure statement to four existing systems of records:

09-30-0027, "Grants and Cooperative Agreements: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships, Clinical Training, Community Service, HHS/ADAMHA/OA," formerly titled "Grants: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships, Clinical Training, Community Service, Cooperative Agreements, HHS/ADAMHA/OA."

09-30-0023, "Records of Contracts Awarded to Individuals, HHS/ADAMHA/OA."

09-30-0014, "Saint Elizabeths Hospital Financial System, HHS/ADAMHA/NIMH."

09-30-0031, "Saint Elizabeths Hospital Management Information Reporting System, HHS/ADAMHA/NIMH."

SUMMARY: In accordance with the requirements of the Privacy Act and the Debt Collection Act of 1982 (Pub. L. 97-365), the Public Health Service (PHS) is publishing a notice of a proposal to add three routine uses and a "special disclosure" statement to four systems of records in the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA). PHS invites interested persons to submit comments on the proposed routine uses on or before February 27, 1984.

DATE: ADAMHA will adopt the new routine uses without further notice 30 days after the date of publication (February 27, 1984) unless comments are received which would result in a contrary determination. The "special disclosure" provision is effective on the date of publication (January 27, 1984). This disclosure is so named because it does not require a public comment period.

ADDRESS: Please address comments to: Ms. Betty J. Cook, Privacy Act Officer, ADAMHA, Room 6C-02, 5600 Fishers Lane, Rockville, MD 20857.

Comments received will be available for inspection at the same address from 8:00 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Mr. Kent Augustson, Division of Financial Management, ADAMHA, Room 12C-10, 5600 Fishers Lane, Rockville, MD 20857 (301) 443-2094. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

ADAMHA has awarded National Research Service Awards since 1975 under Section 472 of the Public Health Service Act (PHSA) (42 U.S.C. 2891-1), and clinical traineeships under Section 303 of the PHSA (42 U.S.C. 242a), as amended. The recipients of the awards are required to pay back their training support through service by engaging in research/teaching or working in a clinical setting. In exceptional cases where the individual does not/can not pay back through service, financial compensation must be made to the Government in an amount determined in accordance with a recovery formula specified in the legislation. Records pertaining to those individuals are found in Privacy Act system of records, 09-30-0027, "Grants and Cooperative Agreements: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships Clinical Training, Community Services, HHS/ADAMHA/OA." (The system has been renamed to more accurately include cooperative agreements with grants as an instrument of financial assistance.)

A second system of records, 09-30-0023, "Records Awarded to Individuals, HHS/ADAMHA/OA," contains information on contractors furnishing administrative or miscellaneous services. These procurements were made under Section 301 of the PHSA.

A third system of records, 09-30-0014, "Saint Elizabeths Hospital Financial System, HHS/ADAMHA/NIMH," contains data maintained on billings, reimbursement claim forms, payroll, travel expenses, etc. The authority for maintaining the system is the Hospitalization of the Mentally Ill Act, 21 D.C. Code 501 *et seq.*

A fourth system of records, 09-30-0031, "Saint Elizabeths Hospital Management Information Reporting System, HHS/ADAMHA/NIMH," is used for patient billing and the generation of special and recurrent reports for a variety of program management and research purposes. The authority for this system is 24 U.S.C. 161, *et seq.*

Adding the first proposed routine use to these systems of records will permit the disclosure, under the authority of subsection (b)(3) of the Privacy Act, of personal information such as taxpayer's address to debt collection agencies for the purposes of locating such taxpayer to collect debts owed to the Federal Government.

The second proposed routine use will permit disclosure, under the authority of subsection (b)(3) of the Privacy Act, of personal information such as taxpayer's address for the purpose of obtaining a consumer credit report for systems of records 09-30-0027 and 09-30-0023: To verify the credit worthiness of grant, cooperative agreement, or contract applicants; for systems of records 09-30-0014 and 09-30-0031: To assess the ability of delinquent debtors to repay their debts.

The third proposed routine use will permit disclosure, under the authority of subsection (b)(3) of the Privacy Act, to the Internal Revenue Service of the written-off amount of debts owed to the Federal Government which have become partly or wholly uncollectable. Such written-off debts are taxable income of the subject individual.

The addition of the "special disclosure" statement to the four systems of records, under the authority of subsection (b)(12) of the Privacy Act (added by Pub. L. 97-365, the Debt Collection Act of 1982), will permit the disclosure of personal information to consumer reporting agencies to encourage repayment of overdue debts owed to the Federal Government.

However, prior to making any actual disclosures under either the first routine use, which will permit disclosure to contractors for debt collection services, or the "special disclosure" statement, ADAMHA will take the following due process steps: Verify the existence of the debt, take reasonable action to locate an individual to send written notice to the debtor that the claim is overdue, that the agency intends to disclose information to debt collection agencies, or consumer reporting agencies, of what the disclosure(s) will consist, and what his/her rights are with respect to the claim as set forth in Guidelines issued by the Office of Management and Budget (48 FR 15556 and at page 15559, April 11, 1983). For example, ADAMHA will allow the debtor to examine agency documentation of the debt, provide for the debtor to seek agency review of the debt; and provide an opportunity for the individual to enter into a written agreement satisfactory to the agency for repayment of any outstanding debts.

Furthermore, before making any disclosures under the first routine use, ADAMHA will obtain assurance from debt collection agencies that they will comply with the Fair Credit Reporting Act (15 U.S.C. 1681 *et seq.*) and any other Federal law governing the provision of consumer credit information such as the Internal Revenue Code, 26 U.S.C. 7213(a)(2). Assurances to this effect will be incorporated in service contracts between the Government and debt collection agencies under contract to the Government. In addition, contracts between the Government and debt collection agencies will contain a provision subjecting the contractors to Section (m) of the Privacy Act, which indicates that such contractors are liable under the criminal provisions of the Privacy Act as "employees of the (Federal) agency."

We are not changing the language in any of the other categories in the system notices because this information continues to be correct.

The four system notices were last published in the *Federal Register*, November 29, 1983, as follows:

09-30-0014—pp. 53809-53810

09-30-0023—pp. 53817-53818

09-30-0027—pp. 53819-53821

09-30-0031—pp. 53824-53825

We are publishing all four notices in their entirety below to incorporate the proposed changes, which are printed in *italics* for ready identification.

Dated: January 23, 1984.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09-30-0027

SYSTEM NAME:

Grants and Cooperative Agreements: Research, Research Training, Research Scientist Development, Education, Demonstration, Fellowships, Clinical Training, Community Services. HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute on Drug Abuse, Grants Management Branch, Room 10-29, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20857
National Institute on Alcohol Abuse and Alcoholism, Grants Management Branch, Room 16-86, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
National Institute of Mental Health, Grants Management Branch, OPS,

Room 7C-26 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Washington National Records Center
4205 Suitland Road
Washington, D.C. 20409

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Principal investigators, program directors, trainees, fellows, research scientist development awardees, and other employees of applicant or grantee institutions.

CATEGORIES OR RECORDS IN THE SYSTEM:

Grant and cooperative agreement applications and review history, including curriculum vitae, salary information, summary of review committee deliberations and supporting documents, progress reports, financial records, payback records of research training awardees (i.e., recipients under the National Research Services Awards Programs), and payback records of clinical training awardees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301 (42 U.S.C. 241) Public Health Service Act, Section 410, Drug Abuse Prevention, Treatment, and Rehabilitation Act (42 U.S.C. 1177), Section 301 (42 U.S.C. 241) and Section 303 (42 U.S.C. 242a); Public Health Service Act, Sections 101, 311, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, (42 U.S.C. 4591), Sections 301, 303, 433(a), 455, and 472(a)(1)(a), Public Health Service Act, (42 U.S.C. 241, 242a, 289C, 289k-1 and 289l-1), and Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 *et seq.*).

PURPOSE(S):

Records are maintained as official documentation relevant to the review, award, and administration of grant programs. Specifically, records are: 1. Used by staff program and management specialists for purpose of awarding and monitoring grant funds; 2. used to maintain communication with former trainees/fellows who have incurred an obligation for research training under the National Research Service Awards Program (42 U.S.C. 289l-1) or for clinical training (42 U.S.C. 242a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Referrals may be made of assignments of research investigators and project monitors on specific research projects to the National

Technical Information Service (NTIS), Department of Commerce, to contribute to the Smithsonian Science Information Exchange.

2. Disclosure may be made to qualified experts not within the definition of Department employees for opinion during the application review process.

3. Disclosure may be made to ADAMHA contractors for the purpose of carrying out quality assessment, program evaluation, and management reviews. Contractors are required to maintain Privacy Act safeguards with respect to the records.

4. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal (e.g., the Department of Justice) or State (e.g., the State's Attorney's Office), charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto for litigation.

5. Disclosure may be made to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issue of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

6. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

7. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

8. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or

(c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

9. ADAMHA may disclose information from its records in the system to contractors for debt collection services in order to locate an individual to collect or compromise a Federal claim. Permissible disclosures include name, social security number, address (including taxpayer mailing address), other information necessary to establish the identity of the individual, the amount, status, history of the claim, and the agency or program under which the claim arose. Permissible disclosures include name, address, Social Security Number or other information necessary to identify the individual; the funding being sought; and the program for which the information is being obtained.

10. ADAMHA may disclose information from its records in this system to consumer reporting agencies in order to obtain credit reports to verify credit worthiness of grant/cooperative agreement applicants. Permissible disclosures include name, address, Social Security Number or other information necessary to identify the individual; the funding being sought; and the program for which the information is being obtained.

11. When a debt becomes partly or wholly uncollectable, either because the time period for collection under the statute of limitations has expired or because the Government agrees with the individual to forgive or compromise the debt, a record from this system of records may be disclosed to the Internal Revenue Service to report the written-off amount as taxable income to the individual.

DISCLOSURES TO CONSUMER REPORTING AGENCIES

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the

Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of such disclosures is to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records. Information disclosed will be limited to name, social security number, address, other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose. Such disclosures will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been met.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Noncomputerized documents are filed in folders in enclosed file cabinets and open shelves. Information on 3 x 5 cards in file cabinets. Computerized records exist in tape and disk form.

RETRIEVABILITY:

By grant by numbers and cross-indexed by name.

SAFEGUARDS:

Personnel authorized to have access to the files are limited to: The chief of the Grants Management Branch and staff authorized by him/her: Grants specialists, grants technicians, program officials, assigned computer personnel and possible contractor staff including the project director and research associates. Computerized records are password protected; passwords are changed from time to time. Contractors working on computerized records are given passwords to access data only on a need to know basis. Computerized records are maintained in a secured area. During normal work hours, this area is staffed by authorized personnel who must show identification for entry. At other times, the computer area is locked. Hard copy files are stored in rooms which are locked at night. There is 24-hour guard patrol in the building. These safeguards are in accordance with DHHS Chapter 45-13, and supplementary Chapter PHS.hf: 45-13 in the General Administrative Manual, and Part 6, 'ADP System Security' in the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records are retired to a Federal Records Center two years after termination of support and the completion of final audit.

SYSTEM MANAGER(S) AND ADDRESS:

National Institute on Drug Abuse, Chief, Grants Management Branch, OA, Room 10-29, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857
 National Institute on Alcohol Abuse and Alcoholism, Chief, Grants Management Branch, Room 16-86, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857
 National Institute of Mental Health, Chief, Grants Management Branch, Room 7C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address. Verifiable proof of identity is required.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters should also reasonably specify the record contents being sought, and should provide the official grant number when possible.

CONTESTING RECORD PROCEDURES:

Contact the appropriate system manager at the address specified above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Applicants, grantees, fellows, trainees, personnel at grantee institution on whom the record is maintained, Federal advisory committees, site visitors, consultants, references.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0023

Records of Contracts Awarded to Individuals. HHS/ADAMHA/OA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Institute on Drug Abuse, Contracts Management Branch, Room 10-49, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857
 National Institute on Alcohol Abuse and Alcoholism, Contracts Management Branch, Room 14-C-06, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857
 National Institute of Mental Health, Contracts Management Branch, OPS,

Room 18-101, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857
 Procurement Section, Saint Elizabeths Hospital, Washington, D.C. 20032.
 Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

An individual who receives a contract as well as individuals who apply or compete for an award but do not receive the award and their consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Curriculum vitae, salary information, evaluations of proposals by contract review committees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act Section 301 (42 U.S.C. 241 and 41 U.S.C. 252(c)). NIDA: Drug Abuse Prevention, Treatment and Rehabilitation Act, Sections 410 and 501 (21 U.S.C. 1177 and 1191). NIAAA: Community Mental Health Centers Act, Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 Sections 101 and 311 (42 U.S.C. 4551 and 4577). NIMH: Public Health Service Act Section 455 (42 U.S.C. 289(k-l)).

PURPOSE(S):

To document the history of each contract procurement action and award made within ADAMHA to an individual. The records are also used by contract review committee members when evaluating a proposal submitted by an individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.
 2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the

Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. ADAMHA may disclose information from its records in the system to contractors for debt collection services in order to locate an individual to collect or compromise a Federal claim. Permissible disclosures include name, social security number, address (including taxpayer mailing address), other information necessary to establish the identity of the individual, the amount, status, history of the claim, and the agency or program under which the claim arose.

4. ADAMHA may disclose information from its records in this system to consumer reporting agencies in order to obtain credit reports to verify credit worthiness of contract applicants. Permissible disclosures include name, address, Social Security Number or other information necessary to identify the individual; the funding being sought; and the program for which the information is being obtained.

5. When a debt becomes partly or wholly uncollectable, either because the time period for collection under the statute of limitations has expired or because the Government agrees with the individual to forgive or compromise the debt, a record from this system of records may be disclosed to the Internal Revenue Service to report the written-off amount as taxable income to the individual.

DISCLOSURES TO CONSUMER REPORTING AGENCIES

Disclosures pursuant to 5 U.S.C. 522a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of such disclosures is to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records. Information disclosed will be limited to name, social security number, address, other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose. Such disclosures will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been met.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Documents filed in folders in enclosed and/or locked file cabinets

RETRIVABILITY:

By contract number and cross-indexed by individual's name.

SAFEGUARDS:

Released only to authorized Federal contract and support personnel. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records are retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

National Institute on Drug Abuse, Chief, Contracts Management Branch, OPS, Room 10-49, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

National Institute on Alcohol Abuse and Alcoholism, Chief, Contracts Management Branch, Room 14-C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Md 20857

National Institution of Mental Health, Chief, Contracts Management Branch, Room 18-101, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857

Procurement Officer, Saint Elizabeths Hospital, Washington, D.C. 20032

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself/herself upon written request with notarized signature. The request should include, if known, contractor's name, contract number, and approximate date contract was awarded.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES.

Contact the official at the address specified under notification procedures above and reasonably identify the record, specify the information to be contested and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Contract proposals and supporting contract documents, contract review committees, site visitors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0014

SYSTEM NAME:

* Saint Elizabeths Hospital Financial Sytem. HHS/ADAMHA-NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Finance Office, Room 200, Administration Building, Saint Elizabeths Hospital, Washington, D.C. 20032, and Washington National Records Center, 4205 Suitland Road, Washington, D.C. 20409. Billing records may also be located at contractor site.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees and patients.

CATEGORIES OF RECORDS IN THE SYSTEM:

Deposits; receipts; disbursements; balances; NCR ledger cards; vouchers; information on expenses of travel and education; billings; background history; reimbursement claims; Industrial Therapy Program data: Internal Revenue Service Form W-4 and D.C. Government Form D-4, Payroll Summary sheets and individual patient ledger cards for patient workers in Patient Worker Industrial Therapy Program (PWITP), and indebtedness letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Hospitalization of the Mentally Ill Act, 21 DC Code 511 et seq.; 24 USC 165 and 166; 31 USC 66A and 628a.

PURPOSE(S):

To record expenditures and reimbursements for services and goods and all other financial transactions consistent with the management of the Hospital. Information in these records is also used within the Finance Office to determine the amount of pay a patient earns for his Industrial Therapy assignment, and for completing patients' time sheets, payroll summary sheets, income tax withholding forms, and monthly or quarterly earnings and tax returns.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office at the written request of that individual.

2. Disclosures may be made in order to pay travel claims and educational institutions, expenses; to collect from the D.C. Government and Federal agencies for care and treatment; and to collect for quarters, lost or damaged property & other indebtedness to the Government.

3. Disclosures may be made to references for outside employment, to referral sources for determining if job placement meets a patient's therapeutic needs, and to outside agencies in order to obtain referrals.

4. Disclosures may be made to prospective employers and other similar recipients as evidence of the individual's increased responsibility, and to followup reasons for a patient's absence from his Industrial Therapy assignments.

5. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal (e.g., Department of Justice), State or local (e.g., State and local licensing boards), charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

6. Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

7. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the

Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected (e.g., to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual).

8. ADAMHA may disclose information from its records in the system to contractors for debt collection services in order to locate an individual to collect or compromise a Federal claim. Permissible disclosures include name, social security number, address (including taxpayer mailing address), other information necessary to establish the identity of the individual, the amount, status, history of the claim, and the agency or program under which the claim arose.

9. ADAMHA may disclose information from its records in this system to consumer reporting agencies in order to obtain credit reports to assess the ability of delinquent debtors to repay their debts. Permissible disclosures include name, address, Social Security Number or other information necessary to identify the individual; the amount of debt; and the program for which the information is being obtained.

10. When a debt becomes partly or wholly uncollectable, either because the time period for collection under the statute of limitations has expired or because the Government agrees with the individual to forgive or compromise the debt, a record from this system of records may be disclosed to the Internal Revenue Service to report the written-off amount as taxable income to the individual.

DISCLOSURES TO CONSUMER REPORTING AGENCIES

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of such disclosures is to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records. Information disclosed will be limited to name, social security number, address, other information

necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose. Such disclosures will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been met.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in metal filing cabinets, index cards, and IBM cards.

RETRIEVABILITY:

Voucher date and number; numerically (receipts for patient's funds); alphabetically by name; Health Insurance Number and Hospital Case Number (Health Insurance records); bill number (for billings).

SAFEGUARDS:

Access is limited to personnel who process the data. Offices are locked when not occupied. These safeguards are in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 in the General Administration Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEMS MANAGER(S) AND ADDRESS:

Finance Officer, Administration Building, Room 200, St. Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself/herself upon written request, with notarized signature if request is made by mail, or with suitable identification if request is made in person, directed to: Privacy Act Coordinator, Finance Office, Room 200, Administration Building, Saint Elizabeths Hospital, Washington, D.C. 20032.

All of the following information must be provided when requesting notification:

- (a) Full name;
- (b) Dates of the contact with Saint Elizabeths Hospital;
- (c) The Branch Division, or Office with which the requester had contact;
- (d) The capacity in which the requester had contact with the hospital, e.g., patient, employee, vendor,

representative of professional organization, etc.

(e) The nature of the material desired. A parent or guardian who requests notification of a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, must be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought with supporting justification.

RECORD SOURCE CATEGORIES:

Patient name plates, patient's accounts, receipts for patients funds (generated when cash or other funds are accepted from a patient), patients' payroll data from the Industrial Therapy Section.

Patients' clinical records, interviews with ward staff, patient and work supervisor. Patient vouchers from patient, employees, Finance Section, Personnel Branch, Agency Cashier, patients' relative, committees, conservators and other Government agencies. Patients' account data from the Agent Cashier.

Health insurance data from the Patient's Medical Record, Social Security Administration, relatives and conservators, and Registrar.

Billings for care and treatment, quarters, etc. and indebtedness to the Government, Information Systems Branch, Housekeeping Section, Agent Cashier, and Administrative Services Section.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-30-0031

SYSTEM NAME:

Saint Elizabeths Hospital Management Information Reporting System. HHS/ADAMHA/NIMH.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Management Information Reporting Branch, Saint Elizabeths Hospital.

Administration Building. Billing records may also be located at contractor sites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former & Current Patients.

CATEGORIES OF RECORDS IN THE SYSTEM:

Patient name, hospital number, demographic and individual characteristics, tracking or patient movement and billing information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

24 U.S.C. 161, et seq.

PURPOSE(S):

Data is used for patient billing and to generate special and recurring reports for administrators, health professionals, managers, and researchers for their program management, planning, analysis, evaluation and research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information is disclosed to D.C. Mental Health Areas for continuity of care, after care and community follow-up.

2. A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research

subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by, these provisions.

3. Data is provided to volunteers involved in the treatment process of the hospital.

4. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of the individual.

5. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

6. ADAMHA may disclose information from its records in the system to contractors for debt collection services in order to locate an individual to collect or compromise a Federal claim. Permissible disclosures include name, social security number, address (including taxpayer mailing address), other information necessary to establish the identity of the individual, the amount, status, history of the claim, and the agency or program under which the claim arose.

7. ADAMHA may disclose information from its records in this system to consumer reporting agencies in order to obtain credit reports to assess the ability of delinquent debtors to repay their debts. Permissible disclosures include name, address, social security number or other information necessary to identify the individual; the amount of debt; and the program for which the information is being obtained.

8. When a debt becomes partly or wholly uncollectable, either because the time period for collection under the statute of limitations has expired or because the Government agrees with the individual to forgive or compromise the debt, a record from this system of

records may be disclosed to the Internal Revenue Service to report the written-off amount as taxable income to the individual.

DISCLOSURES TO CONSUMER REPORTING AGENCIES

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purpose of such disclosures is to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records. Information disclosed will be limited to name, social security number, address, other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose. Such disclosures will be made only after the procedural requirements of 31 U.S.C. 3711(f) have been met.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Saint Elizabeths Hospital forms, file folders, punch cards and magnetic tape.

RETRIEVABILITY:

Hospital case number, name, pre-determined codes. Some subsystems kept in chronological order.

SAFEGUARDS:

Employee training, restricted access, locked at night. For computerized records there is a password system in effect. These safeguards are in accordance with DHHS Chapter 45-13 and Supplementary Chapter PHS.hf: 45-13 in the General Administration Manual and Part 6, "ADP System Security" in the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing the System Manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Management Information Reporting Branch, Administration Bldg., St. Elizabeths Hospital, Washington, D.C. 20032.

NOTIFICATION PROCEDURE:

A patient or former patient may learn if a record exists upon written request, with notarized signature, directed to: Privacy Act Coordinator, Management Information Reporting Branch, Administration Bldg., Saint Elizabeths Hospital, Washington, D.C. 20032.

All of the following information must be provided:

- (a) Full name;
 - (b) Approximate dates of enrollment at Saint Elizabeths Hospital;
 - (c) The nature of the material desired.
- A parent or guardian who requests notification of a child's/incompetent person's record shall designate a family physician or other health professional (other than a family member) to whom the record, if any, must be sent. The parent or guardian must verify relationship to the child/incompetent person as well as his/her own identity.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Saint Elizabeths Hospital forms prepared by staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-2418 Filed 1-26-84; 8:45 am]

BILLING CODE 4160-20-M

INTERAGENCY COMMITTEE ON WOMEN'S BUSINESS ENTERPRISE**PRESIDENT'S ADVISORY COMMITTEE ON WOMEN'S BUSINESS OWNERSHIP****Information Collection Questionnaire Under Review by Office of Management and Budget**

Upon written request copy available from Executive Director, Interagency Committee on Women's Business Enterprise, Room 414, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20418.

Notice is hereby given that pursuant to the Paperwork Reduction Act (44 U.S.C. 350 et seq.), the Interagency Committee on Women's Business Enterprise together with the President's Advisory Committee on Women's Business Ownership has submitted a

request for clearance of a questionnaire to be given to attendees at the National Initiative Conferences for potential and current women business owners. The questionnaire will gather information concerning problems experienced by women business owners plus information on existing resources available. The questionnaire will be distributed at 20 conferences with an expected attendance of 1,000 at each conference. The data collected will provide a basis for the Committees to make decisions and plan activities on behalf of women business owners.

Submit comments to OMB Desk Officer, Office of Information and Regulatory Affairs, New Executive Office Building, Room 3235, Washington, D.C. 20503.

Dated: January 25, 1984.

Carolyn Doppelt Gray,

Executive Director, Interagency Committee on Women's Business Enterprise and President's Advisory Committee on Women's Business Ownership.

[FR Doc. 84-2455 Filed 1-25-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****Review of Tar Sand Program; Meeting**

AGENCY: Bureau of Land Management, Interior.

ACTION: Informal meeting to Review Tar Sand Program.

SUMMARY: As part of the ongoing Federal Tar Sand Program, there will be an informal meeting to review possible changes in the tar sand program. This notice is to advise the public that there will be a meeting of Washington Office, BLM Utah State Office, State and local representatives as well as any interested public and industry representatives to analyze and make recommendations on the Federal Tar Sand Program. Among topics that will be considered are paying quantities and production levels as they apply to Federal combined hydrocarbon leases.

DATE: The meeting will be held at 7:00 p.m., on February 23, 1984.

ADDRESS: Room 127, Salt Palace, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Edward E. Coggs, (202) 343-3258 or Richard J. Aiken, (202) 343-3258.

Dated: January 23, 1984.

Arnold E. Petty,

Acting Associate Director.

[FR Doc. 84-2273 Filed 1-25-84; 8:45 am]

BILLING CODE 4310-84-M

Colorado Federal Coal Lease Sale in the Uinta-Southwestern Utah Federal Coal Production Region

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of regional coal lease decision and notice of sale.

SUMMARY: In accordance with 43 CFR 3420.4-3, 3420.5 and 3422.2 and in compliance with 40 CFR 1505.2, this notice announces the decision by the Secretary of the Interior to offer Federal coal in west-central Colorado, the availability of the Record of Decision, and the Notice of Sale. The tract was specifically exempted by Congress from the leasing moratorium imposed by Pub. L. 98-146. Potential bidders are alerted to the announcement at the end of this notice which states that the final recommendations of the Commission on Fair Market Value Policy for Federal Coal Leasing, if available, may vary the conditions of the sale.

DATE: The coal lease sale will be held at 2:00 p.m., Thursday, February 16, 1984.

ADDRESS: Bureau of Land Management's (BLM) Colorado State Office, 1037 20th Street, Denver, Colorado 80202.

RECORD OF DECISION: Single copies of the Record of Decision, including the alternatives that were considered, are available upon request from Kenneth Smith, at the address above, Telephone No. (303) 234-2855.

SUPPLEMENTARY INFORMATION: This notice, as required by 43 CFR 3420.4-3 and 3420.5 and by 40 CFR 1505.2, informs the public that the Secretary of the Interior has decided to offer Federal coal in the Paonia D Seam Tract located near Paonia in Delta County in west-central Colorado. In legislation imposing a coal leasing moratorium until 90 days after a report of the Commission on Fair Market Value Policy for Federal Coal Leasing (Pub. L. 98-146), Congress specifically exempted this tract from the moratorium.

Section 112 of Pub. L. 98-146 reads as follows:

Section 112. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR Part 3432, and lease exchanges as defined in 43 CFR Part 3435 or as specified in Pub. L. 96-401, until the Commission on Fair Market Value Policy for Federal Coal Leasing has submitted its report to the Congress and ninety days have subsequently elapsed: Provided that not withstanding any other provision to this section, the

following federal coal maintenance tracts may be leased: *the Paonia D Coal Bed Tract (not to exceed 5,000 acres)* (emphasis added), and the Colstrip Area C and Colstrip Maintenance Tract (not to exceed an aggregate total of 1,721 acres): Provided further, that the Paonia Tract may not be leased prior to February 1984, and Colstrip tracts may not be leased prior to August 1984.

The Paonia D Seam Tract was analyzed along with 26 other tracts in the second round of leasing in the Uinta-Southwestern Utah Federal Coal Region. The Regional Coal Team has recommended to the Secretary that this tract be offered as soon as possible. The tract is adjacent to an existing operation, the Orchard Valley Mine of Colorado Westmoreland Inc., which is rapidly depleting reserves suitable for underground mining on an advance mining plan. Further reserves are required by the operation by October 1984, or retreat mining will be initiated, rendering these facilities useless as access for the Paonia D Seam reserves and thereby necessitating added surface disturbance if the tract is mined later. The lease sale must occur by February of this year to accommodate the State of Colorado permitting timeframes and allow mining by October 1984. Closure of the Orchard Valley Mine would result in the loss of approximately 250 existing jobs and 25 new jobs by 1987. The area has been heavily impacted by the current slowdown in coal demand.

The Uinta-Southwestern Utah Coal Region Round Two Environmental Impact Statement (EIS) identified site specific subsidence impacts on water as the only significant impact attributable to leasing the tract. Lease stipulations for the protection of water resources have been developed to mitigate the impact. Mitigating measures presented in the EIS will be translated into lease and permit stipulations for the protection of other resources as well.

In response to consultation, pursuant to 43 CFR 3420.4-3, the Governor of Colorado concurred with the special stipulations for protection of water resources, developed by the Bureau of Land Management's Colorado State Office in consultation with State agencies and local residents, to be adopted into the proposed lease.

Certain Coal resources in the tract will be offered for competitive lease by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920 (30 U.S.C. 181 *et seq.*), as amended, at the time and place given above.

The tract will be leased to the qualified bidder of the highest cash amount provided that the high bid meets the fair market value determination of

the tract. The minimum bid is \$100 per acre, or fraction thereof. No bid less than \$100 per acre, or fraction thereof, will be considered. The minimum bid is not intended to represent fair market value. The fair market value will be determined by the authorized officer after the sale. Sealed bids must be submitted on or before 1:00 p.m., Thursday, February 16, 1984, to the Colorado State Office, 1037 20th Street, Denver, CO. 80202. Bids received after that time will not be considered.

If identical high sealed bids are received, the tying high bidders will be requested to submit follow-up sealed bids until a high bid is received. All tie-breaking sealed bids must be submitted within five minutes following the sale official's announcement at the sale that identical high bids have been received.

Paonia "D" Coal Seam Lease Tract (C-37210)

Coal Offered: The coal resource to be offered is limited to coal recoverable by underground mining methods from the "D" Seam and any overlying seams in the following lands located approximately 3 miles northeast of Paonia, Colorado:

- T. 13 S., R. 91 W., 6th P.M.,
Sec. 6, lots 5, 6, 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1, 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 8, W $\frac{1}{2}$;
Sec. 17, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 13 S., R. 92 W., 6th P.M.,
Sec. 1, S $\frac{1}{2}$;
Sec. 2, SE $\frac{1}{4}$;
Sec. 10, lots 10, 11, 14, 15, 18;
Sec. 11, E $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 12, lots 1 to 8, inclusive, lots 10 to 14,
inclusive, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, lots 2, 7 to 10, inclusive, NW $\frac{1}{4}$;
Sec. 14;
Sec. 15, lots 1, 2, 3, 6 to 11, inclusive, 14, 15,
and 16;
Sec. 22, lots 1, 2, 3, 6, 7, and 8;
Sec. 23, lots 1 to 8, inclusive.

The area described contains 4,998.85 acres. (Sealed bids should be formulated on the basis of 4,999 acres.)

the "D" bed tract contains an estimated 36,700,000 short tons of recoverable coal with the following analyses: BTU 9,600 to 12,300; Sulfur 0.4 to 0.7 percent; Ash 5 to 20 percent; Moisture 5 to 15 percent; Type of coal—Steam coal; and Rank of coal—High volatile C Bituminous.

Rental and Royalty: The lease issued as a result of this offering will provide for payment of an annual rental of \$3.00 per acre or fraction thereof and a royalty payable to the United States of 8 percent of the value of coal to be mined by underground methods. The value of

the coal shall be determined in accordance with 43 CFR 3485.2 (formerly 30 CFR 211.63).

Notice to Potential Bidders: In legislation imposing a coal leasing moratorium until 90 days after a report of the Commission on Fair Market Value for Federal Coal Leasing (Pub. L. 98-146), Congress specifically exempted the Paonia "D" Seam Tract from the moratorium, Section 112 of the Act is printed above. Before the sale, however, the final recommendations of the Coal Commission, if available, will be reviewed and a determination made concerning the applicability of any or all of the recommendations to the sale. The final recommendations are expected on or before January 29, 1984.

Notice of Availability: Bidding instructions for the offered tract are included in the Detailed Statement of Lease Sale. Copies of the Statement and of the proposed coal lease are available at Colorado State Office. Case file documents are also available at that office for public inspection.

Paul W. Arrasmith,

Acting Associate State Director.

[FR Doc. 84-2294 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-JB-M

[OR-35017]

Oregon: Notice of Realty Action; Recreation and Public Purposes Classification and Lease of Public Land in Klamath County, Oregon

Notice is hereby given that Klamath County, Oregon has submitted an application to lease public land for an agricultural experiment station. The experiment station's goal would be to develop salt tolerant cereal and forage crops.

The following described land has been examined and classified as suitable for lease or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*).

Willamette Meridian, Oregon

T. S., R. 10 E.

Sec. 15, lot 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Comprising 88.20 acres.

This decision/notice is based on the following reasons:

1. The land has been found valuable for public purposes.
2. The land is not of national significance and not essential to any Bureau of Land Management program.
3. The proposed use is in conformance with existing land use plans.
4. The proposed action will have no significant, including controversial,

effects on the human or natural environment.

5. Leasing of the above described land to Klamath County will serve important public objectives, i.e., the development of salt tolerant forage and cereal crops by the agricultural experiment station.

6. The classification, lease and/or patenting of the land to Klamath County, Oregon is in conformance with the Secretary of the Interior's "Good Neighbor Program".

7. The subject lands are isolated, irregular in size and shape and receive only custodial management.

Until March 30, 1984, interested parties may submit comments to the District Manager, Bureau of Land Management, Lakeview District, P.O. Box 151, Lakeview, Oregon 97630. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of this department.

Information related to this Recreation and Public Purposes Application, including the environmental assessment record, land report, terms and conditions and special stipulations that will be included in the lease, is available for review at the Lakeview District Office, Lakeview, Oregon 97630.

Supplementary Information: The classification and granting of the lease for a maximum of 25 years with the option to purchase/patent the land will not be adverse to any public or private interests.

Classification of these lands for public purposes under the Recreation and Public Purposes Act of June 14, 1926, as amended, segregates them from all appropriations, including the mining laws, except as the applications under the mineral leasing laws and applications under the Recreation and Public Purposes Act.

This Recreation and Public Purposes application is consistent with Bureau of Land Management policies and planning and has been discussed with State and local officials.

Petition for classification OR-35017 is approved as to the land described above.

Name of Petitioner: Klamath County by its Commissioners.

Type of Petition: Recreation and Public Purposes under the Recreation and Public Purposes Act of June 14, 1926, as amended.

Dated: January 17, 1984.

Jerry Asher,

District Manager.

[FR Doc. 84-2301 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-33-M

Colorado; Craig District Advisory Council; Meeting

In accordance with Pub. L. 94-579, notice is hereby given that there will be a meeting of the Craig District Advisory Council on March 6, 1984.

The meeting will begin at 10:00 a.m. at the Craig District Office, 455 Emerson Street, Craig, Colorado.

The agenda of the meeting will include:

1. Annual Work Plan
2. Discussion of Cross Mountain Wilderness Study Area Field Trip
3. Emergency Wildlife Feeding Program
4. Anabrass Simples
5. Recommendations on issues and problems to be addressed by the Advisory Council
6. Statement from the public

The meeting will be open to the public and interested persons may make oral statements to the Council beginning at 1:30 p.m. The District Manager may establish a time limit for oral statements, depending on the number of people wishing to speak. Anyone wishing to address the Council or file a written statement should notify the District Manager, Bureau of Land Management, 455 Emerson Street, Craig, Colorado 81625, by March 2, 1984.

Summary minutes of the Council Meeting will be maintained in the Craig District Office and will be available for public inspection and reproduction during regular business hours.

Dated: January 16, 1984.

Lee Carie,

District Manager.

[FR Doc. 84-2280 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-JB-M

Nevada; Airport Lease Application N-38849

January 19, 1984.

Notice is hereby given that pursuant to the Act of May 24, 1926 (49 U.S.C. 211-214), the Lahontan Airport Development Association has applied for an airport lease for the following land:

Mount Diablo Meridian

T. 18 N., R. 24 E.,

Sec. 24, S $\frac{1}{2}$ SW $\frac{1}{4}$.

Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.

The area described is located in Lyon County, Nevada. The application was filed on October 8, 1983, and on that date the land was segregated from all other forms of appropriation under the public land laws.

For a period of 45 days from the date of this notice, interested persons may submit comments to the District Manager, Bureau of Land Management, Carson City District Office, 1050 East William Street, Suite 335, Carson City, Nevada 89701.

Thomas J. Owen,

District Manager, Carson City District Office.

[FR Doc. 84-2381 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-HC-M

[N-38122, N-38122-A]

Nevada; Notice of Conveyance

January 16, 1984.

Notice is hereby given that, pursuant to the Act of December 23, 1980, 94 Stat. 3381; 43 U.S.C. 1701 and Section 209(b) of the Act of October 21, 1976 (90 Stat. 2757; 43 U.S.C. 1719), Calvin Q. Morrison, Boulder City, Nevada has purchased, by competitive sale, public lands in Clark County described as:

Mount Diablo Meridian, Nevada

T. 22 S., R. 61 E.,

Sec. 6, lot 128.

Containing 2.5 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the issuance of a conveyance document to Calvin Q. Morrison.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 84-2282 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-HC-M

[N-34756, N-34756A]

Nevada; Notice of Conveyance

January 16, 1984.

Notice is hereby given that, pursuant to the Act of October 21, 1976 (90 Stat. 2750, 43 U.S.C. 1713), Joseph and Juanita Miller, purchased, by noncompetitive sale, public lands in White Pine County described as:

Mount Diablo Meridian, Nevada

T. 13 N., R. 66 E.,

Sec. 5, lots 17, 19, 20, 22, and 23.

Containing 17.04 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the issuance of

a conveyance document to Joseph and Juanita Miller.

Wm J. Malencik,

Deputy State Director, Operations.

[FR Doc. 84-2283 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-HC-M

[N-35362, N-35362-A]

Nevada; Notice of Conveyance

January 16, 1984.

Notice is hereby given that, pursuant to the Act of October 21, 1976 (90 Stat. 2750, 2757; 43 U.S.C. 1719), Carry B. Baker and Elizabeth L. Baker, Lund, Nevada have purchased, by noncompetitive sale, public lands in White Pine County described as:

Mount Diablo Meridian, Nevada

T. 13 N., R. 61 E.,

Sec. 9, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ S
E $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 10 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the issuance of a conveyance document to Carry B. Baker and Elizabeth L. Baker.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 84-2284 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-HC-M

New Mexico; Emergency Closure of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Emergency closure of public lands.

SUMMARY: Notice is hereby given that effective immediately the following described public lands within the Roswell District are closed to all vehicle access except for travel on designated routes:

New Mexico Principal Meridian

T. 20 S., R. 25 E.,

Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 20 S., R. 26 E.,

Sec. 19, N $\frac{1}{2}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$.

The areas described above contain 540 acres of public land, more or less. The area which is closed to vehicle use and routes that are designated as open to vehicular travel are identified on maps available upon request from the following Bureau of Land Management offices: Roswell District Office, 1717 W. 2nd Street, P.O. Box 1397, Roswell, NM 88201; or Carlsbad Resource Area

Office, 101 E. Mermod, P.O. Box 1778, Carlsbad, NM 88220.

The purpose of this closure is to prevent considerable adverse effects to a Federal listed threatened plant species and prevent watershed damage on steep slopes.

The authority for this closure is 43 CFR 8341.2. This closure will remain in effect until off-road vehicle designations for the Carlsbad Resource Management Plan are implemented.

Dated: January 19, 1984.

Timothy R. Kreager,

Acting District Manager, Roswell, New Mexico.

[FR Doc. 84-2276 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-FB-M

[NM-A 40792—(Okla.)]

New Mexico; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub. L. 97-451, Samson Resources Company petitioned for reinstatement of oil and gas lease NM-A 40792—(Okla.) covering the following described lands located in Pittsburg County, Oklahoma:

T. 3 N., R. 12 E., 1M.,

Sec. 2, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.

Containing 322.87 acres, more or less.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of \$500.00 has been paid. Future rentals shall be at the rate of \$10.00 per acre per year and royalties shall be at the rate of 16 $\frac{2}{3}$ percent, computed on a sliding scale four percentage points greater than the competitive royalty schedule attached to the lease. Reimbursement for the cost of publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, August 1, 1981.

S. Gene Day,

Acting State Director.

[FR Doc. 84-2285 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-FB-M

Planning Criteria for Susanville District, Eagle Lake/Cedarville Wilderness; Environmental Impact Statement and Subsequent Management Framework Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that the Planning Criteria for the Eagle Lake/Cedarville Wilderness EIS, Study Report and Subsequent Management Framework Plan Amendment is available for public review and comment.

DATES: Comments are being accepted from the public until February 27, 1984.

FOR FURTHER INFORMATION CONTACT: Larry Teeter, Wilderness Coordinator, Susanville District Office, Bureau of Land Management, P.O. Box 1090, Susanville, California 96130.

SUPPLEMENTARY INFORMATION: This plan will address 13 Wilderness Study Areas (WSA's) numbers CA-020-311, 609, 612, 615, 619, 619A, 805, 913A, 913B, 1012, 1013, 913/NV-020-008 and 914/NV-020-006A.

Ben F. Collins,

Associate District Manager.

[FR Doc. 84-2279 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Intent To Hold Public Scoping Meetings and To Prepare an Environmental Impact Statement for Sixty-five (65) Coal Preference Right Lease Applications (PRLAs); Casper District, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public scoping meetings and notice to prepare an EIS (Powder River Preference Right Lease Applications Environmental Impact Statement).

SUMMARY: This notice advises the public that the Bureau of Land Management (BLM) intends to prepare an EIS addressing sixty-five coal preference right lease applications (PRLAs) in the Powder River Basin of Wyoming. Public involvement to determine the scope and significant issues to be analyzed is invited. Public participation will be sought in public scoping meetings in Douglas, Wyoming, February 28 and Gillette, Wyoming, February 29, 1984.

FOR FURTHER INFORMATION CONTACT: Charles F. Wilkie, Special Projects Team Leader, Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601; (307) 261-5598.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the National Environmental Policy Act and the Council on Environmental Quality regulations (43 CFR 1508.22) that the BLM will prepare an EIS to address potential affects of leasing 65 PRLAs organized into 15 groups located in Converse, Campbell, Johnson and Sheridan counties, Wyoming. The EIS is

intended to analyze various alternatives including rejection of application, leasing with special stipulations, exchange or legislative resolution.

Identification of mitigating measures and special stipulations that the applicants must take into consideration when preparing the PRLAs final showing is of prime importance. Alternatives tentatively identified include: (1) No Action, or no development alternative, (2) Applicants Proposed Action (initial showing), and (3) Applicants Proposed Action Incorporating Mitigating Measures and Special Stipulations. The purpose of the scoping meetings is to encourage participation from interested persons in defining significant environmental issues and concerns which may result from the issuance of noncompetitive coal leases on the 15 areas.

Preparation of the EIS is scheduled to begin in March 1984. A draft EIS should be available for public review and comment in September 1984. A final EIS is to be filed with the Environmental Protection Agency in February 1985. Decisions upon acceptance or rejection of the PRLAs are to be made during the period between March 1985 and May 1986.

Public involvement is invited to determine the scope and significant issues to be analyzed in the EIS. Public participation will be sought by direct contact and mailings to interested and affected parties, announcements in local media and review of the EIS and decision documents.

Public meetings will be held in areas that would be directly affected. These meetings are a part of the overall scoping process and they will be held at the Holiday Inn, Douglas, Wyoming on February 28, 1984, at 7:00 p.m., and the Holiday Inn, Gillette, Wyoming on February 29, 1984 at 7:00 p.m. Notices of date, time, and location will be published in local newspapers prior to the scoping meetings.

Any individual company, group or agency who wishes to be included on the mailing list for notifications, to submit information that would be useful in preparing the EIS, or to provide comments and suggestions should contact the BLM District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Telephone inquiries should be directed to Chuck Wilkie, EIS Team Leader at the following numbers: (307) 261-5598 (commercial number) or 328-5598 (Federal Telecommunications System).

Dated: January 18, 1983.

James W. Monroe,
District Manager.

[FR Doc. 84-2277 Filed 1-20-84; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Reclamation

Tucson Division, Central Arizona Project, Arizona; Intent to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior in cooperation with the Western Area Power Administration (Western), intends to prepare an environmental impact statement (EIS) for a proposed action to construct and operate Phase B of the Tucson Aqueduct, a feature of the Central Arizona Project.

The purpose of the proposed action is to deliver Central Arizona Project Colorado River water to agricultural, municipal, and industrial users in Pima County, Arizona. The Tucson Aqueduct—Phase B will consist of a 50 mile long (approximate) aqueduct, six (approximate) pumping plants, and transmission facilities to deliver electrical energy to the pumping plants. The aqueduct will begin at the terminus of the authorized Tucson Aqueduct—Phase A in Pima County. Terminal points are described for each of five identified alternatives. Three alternatives have been identified on the west side of the Tucson Mountains, one on the east side, and the fifth alternative is no action.

Alternatives are as follows:

(1) *West Side Plan*. This is the agency proposed action and includes approximately 33 miles of open canal, 16 miles of pipe, a 2 mile pipe delivery line to the Papago Indian Reservation, 6 pumping plants, and a total right-of-way area of about 2,350 acres.

(2) *Sandario Road Plan*. This plan is aligned on the west side of the Tucson Mountains and includes approximately 23 miles of open canal, 22 miles of pipe, a 2 mile pipe delivery line to the Papago Indian Reservation, 5 pumping plants, and a total right-of-way area of about 1,830 acres.

(3) *Sandario-San Joaquin Road Plan*. This plan is aligned on the west side of the Tucson Mountains and includes approximately 11 miles of open canal, 34 miles of pipe, a 3 mile pipe delivery line to the Papago Indian Reservation, 5 pumping plants, and a total right-of-way area of about 1,015 acres.

(4) *East Side Plan*. This plan is aligned

on the east side of the Tucson Mountains and includes approximately 12 miles of open canal, 24 miles of pipe, a 10 mile pipe delivery line to the Papago Indian Reservation, an 18 mile Avra Valley delivery line with 14 miles of open canal and 4 miles of pipe, 6 pumping plants, and a total right-of-way area of 1,910 acres.

Each of the four alternatives above would convey an average annual volume of 161,900 acre feet of water to the service area. Each alternative would also have two termini, one at a proposed City of Tucson water facility, and a second at the south boundary of the San Xavier Indian Reservation.

(5) *No Action Plan*. This plan would simply terminate the Tucson Aqueduct without constructing the proposed Phase B. Water users would be individually responsible for obtaining their allotments from the terminus of Phase A.

Electrical power would be supplied to the water pumps by the Western Area Power Administration. Alternative methods of providing power which are being considered include construction of a project transmission line parallel to the water delivery system and use of existing transmission lines in the area with construction of tap lines to each pump. Construction alternatives include underground transmission systems. Several transmission line structures are being considered for the overhead transmission line alternatives and routing alternatives are also being considered.

Reclamation and Western intend to make available an expanded outline of the EIS to all interested members of the public. The outline will identify alternatives, significant environmental issues, and how environmental issues will be addressed on the EIS. Scoping of alternatives and significant environmental issues has been an integral part of past and ongoing public involvement activities. Considerable input has been received over the past 2 years from the interested public, government agencies, and affected Indian tribes; therefore, no scoping meetings will be held.

To insure that the full range of issues related to the proposed action are identified and addressed, comments concerning the proposed action and the EIS should be directed to: Bruce Ellis, Chief, Environmental Division, Arizona Projects Office, Bureau of Reclamation, Valley Center, Suite 2200, 201 N. Central Avenue, Phoenix, Arizona 85073, Telephone (602) 261-3577.

Dated: January 23, 1984.

Robert A. Olson,

Acting Commissioner of Reclamation.

[FR Doc. 84-2260 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-09-M

[INT-DES 84-3]

Gallup-Navajo Indian Water Supply Project, New Mexico-Arizona-Utah; Availability of Planning Report/Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Draft Environmental Statement for the Gallup-Navajo Indian Water Supply Project, New Mexico-Arizona-Utah.

The document presents alternative actions to provide a water supply to meet present and future water needs of the city of Gallup and 32 communities on the Navajo Reservation in northwestern New Mexico, extreme northeastern Arizona, and southeastern Utah. The nature of and probable impacts of the alternatives are presented.

Copies are available for inspection at the following locations:

Office of Environmental Affairs, Bureau of Reclamation, Department of the Interior, Room 7622, Washington, D.C. 20240, Telephone (202) 343-4991

Library Branch, Division of Management Support, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3019

Office of the Regional Director, Bureau of Reclamation, 714 South Tyler Street, Suite 201, Amarillo, Texas 79101, Telephone (806) 378-5467

Albuquerque Public Library, 423 Central Avenue NE, Albuquerque, New Mexico 87101

New Mexico State Library, Post Office Box 1629, Santa Fe, New Mexico 87501

University Library, New Mexico State University, Las Cruces, New Mexico 88001

Zimmerman Library, University of New Mexico, University Hill NE., Albuquerque, New Mexico 87106

Farmington Library, Farmington, New Mexico 87401

Window Rock Library, Window Rock, Arizona 86515

Navajo Community College Library, Shiprock, New Mexico 87420

Gallup Public Library, Post Office Box 1270, Gallup, New Mexico 87301

Government Documents Department, University of Arizona Library, Tucson, Arizona 85721.

Single copies of the draft statement may be obtained on request to the

Office of Environmental Affairs or Regional Director. Please refer to the statement number above.

Written comments may be submitted to the Regional Director within 90 days of this notice.

Dated: January 24, 1984.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 84-2330 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service

Plan of Development and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Plan of Development/Production (POD/P).

SUMMARY: Notice is hereby given that ENSTAR Petroleum, Inc. has submitted a POD/P describing the activities it proposes to conduct on Lease OCS-G 3794, Block 26, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from and onshore base located at Venice, Louisiana.

DATE: The subject POD/P was deemed submitted on December 15, 1983. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject POD/P is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the POD/P and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Hossein Hekmatdoost, Minerals Management Service; Gulf of Mexico Region; Rules and Production, Plans, Platform and Pipeline Section;

Exploration/Development Plans Unit; Phone (504) 838-0873.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the POD/P and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of National Resources is reviewing the POD/P for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in POD/Ps available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 16, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-2299 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-MR-M

Plan of Development and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Plan of Development/Production (POD/P).

SUMMARY: Notice is hereby given that Marathon Oil Company has submitted a POD/P describing the activities it proposes to conduct on Lease OCS-G 2233, Block 619, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Cameron, Louisiana.

DATE: The subject POD/P was deemed submitted on January 19, 1984.

ADDRESSES: A copy of the subject POD/P is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Warren Williamson, Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans Platform and Pipeline Section,

Exploration/Development Plans Unit;
Phone (504) 838-0817.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to § 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the POD/P and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in POD/Ps available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 19, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-2293 Filed 1-26-84; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30353]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment Exemption—Bellingham, WA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by the Burlington Northern Railroad Company of a 2.73-mile segment of rail line in the city of Bellingham, WA, subject to standard employee protective conditions and a public use condition.

DATES: This exemption shall be effective on February 27, 1984. Petitions for reconsideration must be filed by February 16, 1984. Petitions to stay must be filed by February 6, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30353 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423
- (2) Petitioner's representative: Thomas A. Ehlinger, Burlington Northern Railroad Company, 178 East Fifth Street, St. Paul, MN 55101.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S.

InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: January 19, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,
Acting Secretary.

[FR Doc. 84-2326 Filed 1-26-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-31 (Sub-No. 9)]

Rail Carriers; Grand Trunk Western Railroad Co.—Abandonment—in Huron, Lapeer and Tuscola Counties, MI; Findings

The Commission has found that the public convenience and necessity permit Grand Trunk Western Railroad Company to abandon its 50.24 mile rail line between Kings Mill, MI (milepost 42.60) and Pigeon, MI (milepost 92.84) in Huron, Lapeer and Tuscola Counties, MI. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that (1) financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27(b).

James H. Bayne,
Acting Secretary.

[FR Doc. 84-2324 Filed 1-26-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-105)]

Rail Carriers; Illinois Central Gulf Railroad Co.—Abandonment—in Perry and Jackson Counties, IL; Findings

The Commission has issued a certificate authorizing Illinois Central Gulf Railroad Company to abandon its 7.4 mile rail line between Pyatts (excluding Pyatts) (milepost 66.44) and

Vergennes (milepost 73.84) in Perry and Jackson Counties, IL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

James H. Bayne,
Acting Secretary.

[FR Doc. 84-2325 Filed 1-26-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.
Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Occupational Safety and Health Administration

Construction Posting and Labeling Requirements: Posting Signs for Emergency Phones and Allowable Low Weight

OSHA 269

On occasion

Businesses or other for profit; small businesses or organizations

212,777 responses; 8,866 hours; 0 forms

Phone numbers of physicians, hospitals or ambulances must be posted to expedite obtaining medical attention for injured construction employees. Posting maximum safe load limits for storage areas should reduce floor overload hazards for construction employees.

Extension

Occupational Safety and Health Administration

Post Inspection Employer Questionnaire; Post Inspection Employee Questionnaire 1218-0049; OSHA 164

When inspection occurs

Farms; business or other for-profit; small businesses or organizations

5,500 responses; 825 hours; 2 forms

OSHA's goal is to foster cooperative relationships with employers and employees to promote safety and health most effectively. To achieve this OSHA must rely on the professional conduct of its Compliance Officers. This survey will allow employers and employees representatives to react to OSHA's inspections and provide the information needed to develop a cooperative, non-adversarial program.

Occupational Safety and Health Administration

4-Dimethylaminoazobenzene 1218-0044; OSHA 223

On occasion

Businesses or other for profit; small businesses or organizations

50 responses; 170 hours; 0 forms

These requirements are necessary to protect and monitor the health of employees who work in establishments where the carcinogenic chemical, 4-dimethylaminoazobenzene, is used or produced.

Reinstatement

Employment and Training Administration

ETA Validation Handbook No. 361 1205-0055

Quarterly

State or local governments

472 Responses; 53,408 hours

The ETA program management information system must provide sufficiently credible information upon which management can make policy decisions, insure credible reports to congress and the president and insure fair distribution of funds. The validation process attempts to insure the accuracy and comparability of data reported to the system.

Signed at Washington, D.C. this 24th day of January 1984.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 84-2394 Filed 1-26-84; 8:45 am]

Billing Code 4510-26-M

Employment and Training Administration

Abingdon Steel Fabrication Corp., et al; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 6, 1984.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 6, 1984.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 801 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 23rd day of January 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Abingdon Steel Fabrication Corp. (workers).....	Abingdon, VA.....	1/16/84	1/12/84	TA-W-15.....	176 Structural steel beams & columns.
Basic Microelectronic Div. of Textron, Inc. (workers).....	Lake Park, FL.....	1/17/84	1/13/84	TA-W-15.....	177 Glass photomasks.
Bessemer & Lake Erie Railroad Co. (IBFOU).....	No. Bessemer, PA.....	1/16/84	1/11/84	TA-W-15.....	178 Transporting steel & steel products.
Bridgeport Brass Co. (Assoc. of Machinists & Aerospace Wkrs.).....	So. Norwalk, CT.....	1/17/84	1/13/84	TA-W-15.....	179 Brass forgings.
Carolina Glove Co., Williston Plant (company).....	Williston, SC.....	1/13/84	1/6/84	TA-W-15.....	180 Work gloves.
Corning Glass Works (Amer. Flint Glass Wkrs Union).....	Blacksburg, VA.....	1/13/84	1/10/84	TA-W-15.....	181 Microwave oven shelves, black smoothtop sheets, wood burning stove window glass.
Goodyear Tire & Rubber Co. (URW).....	Jackson, Michigan.....	1/16/84	1/9/84	TA-W-15.....	182 Radial light truck tires & single-bead bias belted truck tires.
The Timken Co. (workers).....	Bucyrus, Ohio.....	1/13/84	1/5/84	TA-W-15.....	183 Produce & distributes tapered roller bearings.

[FR Doc. 84-2395 Filed 1-26-84; 8:45 am]

BILLING CODE 4510-30-M

Copeland Corp., et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period January 16, 1984-January 20, 1984

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customs indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-14,960; Copeland Corp., West Union, OH

TA-W-14,730-A; Kaiser Steel Corp., Fontana Fabrication Plant, Fontana, CA

TA-W-14,726; Ward Leonard Electric Corp., Mount Vernon, NY

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did

not contribute importantly to workers separations at the firm.

TA-W-14,988; Vulcan Corp., Brockton, MA

TA-W-14,521; Eaton Corp., Shelbyville, TN

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-14,947; Kanawha Coal Co., Madison Mines, Ashford, WV

Aggregate U.S. imports of metallurgical coke are negligible.

TA-W-15,074; Central Appalachian Coal Co., Montgomery, WV

Aggregate U.S. imports of steam coal are negligible.

TA-W-15,093; Evans Coal Co., Poteau, OK

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-14,895; Beals, McCarthy & Rogers, Inc., Buffalo, NY

Aggregate U.S. imports of fabricated platework are negligible.

TA-W-14,720; Delta Associated Industries Corp., Ferndale, MI

Aggregate U.S. imports of arc welding apparatus are negligible.

Affirmative Determinations

TA-W-14,963; Goodyear Tire & Rubber Co., Rotary Hose Department, Plant II, Akron, OH

A certification was issued covering all workers separated on or after August 22, 1982.

TA-W-14,979; Jacobson Mfg. Co., Inc., Union, NJ

A certification was issued covering all workers separated on or after September 1, 1982.

TA-W-14,980; Jacobson Mfg. Co., Inc., Kenilworth, NJ

A certification was issued covering all workers separated on or after September 1, 1982.

TA-W-14,813; McInnes Steel Co., Corry, PA

A certification was issued covering all workers separated on or after June 30, 1982 and before January 31, 1983.

TA-W-14,884; Atlas Foundry & Machine Co., Tacoma, WA

A certification was issued covering all workers separated on or after July 11, 1982 and before January 1, 1983.

TA-W-14,634; Shure Electronics of Arizona, Phoenix, AZ

A certification was issued covering all workers separated on or after January 1, 1983.

TA-W-14,956; Eaton Corp., Kalamazoo, MI

A certification was issued covering all workers of the Kalamazoo, Michigan plant of the Transmission Div. of Eaton Corp. separated on or after August 15, 1982.

TA-W-14,792; Whittaker Corp., Fort Worth Pipe & Supply Div., Fort Worth, TX

A certification was issued covering all workers separated on or after June 23, 1982.

TA-W-14,793; Whittaker Corp., Fort Worth Pipe & Supply Div., Conroe, TX

A certification was issued covering all workers separated on or after June 23, 1982.

TA-W-14,794; Whittaker Corp., Fort Worth Pipe & Supply Div., Fort Morgan, CO

A certification was issued covering all workers separated on or after June 23, 1982.

TA-W-14,795; Whittaker Corp., Fort Worth Pipe & Supply Div., Abilene, TX

A certification was issued covering all workers separated on or after June 23, 1982.

TA-W-14,796; Whittaker Corp., Fort Worth Pipe & Supply Div., Midland, TX

A certification was issued covering all workers separated on or after June 23, 1982.

TA-W-14,798; Ampco-Pittsburgh Corp., Pittsburgh Forgings Co., Corapolis, PA

A certification was issued covering all workers separated on or after June 28, 1982 and before January 1, 1983.

TA-W-14,839; Kaiser Steel Corp., Sunnyside Coal Mines, Sunnyside, UT

A certification was issued covering all workers separated on or after July 8, 1982.

TA-W-14,730; Kaiser Steel Corp., Fontana Works, Fontana, CA

A certification was issued covering all workers of the Fontana Works of the Kaiser Steel Corp., Fontana, CA engaged in employment related to the production of steel plate, hot rolled sheet and strip, galvanized sheet, electric weld pipe and basic and semi-finished steel separated on or after May 31, 1982 and all workers of the Fontana Works of the Kaiser Steel Corp., Fontana CA engaged in employment related to the production of tin plate separated on or after May 20, 1983.

TA-W-14,730-B; Kaiser Steel Corp., Eagle Mountain Mine, Eagle Mountain, CA

A certification was issued covering all workers separated on or after May 31, 1982.

I hereby certify that the aforementioned determinations were issued during the period January 16, 1984-January 20, 1984. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D. Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 24, 1984.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 84-2396 Filed 1-26-84; 8:45 am]

BILLING CODE 4510-30-M

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations

listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market with particular emphasis upon its potential impact upon competitive enterprises in the same areas.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of application involving the establishment of branch plants or facilities, the potential effect of such new facilities in other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the

two-week period may not be considered. Send comments to: Richard C. Gilliland, Director, U.S. Employment Service, Employment and Training Administration, 601 D Street, NW., Room 8000, Patrick Henry Building, Washington, D.C. 20213.

Signed at Washington, D.C. this 23rd day of January 1984.

Joseph Seiler,
Director, Office of Program Operations.

APPLICATIONS RECEIVED DURING THE WEEK ENDING JAN. 28, 1984

Name of Applicant and location of enterprise	Principal product or activity
The Upson Company Lockport, New York.	Processing of vinyl lining of panel materials.
Dakota Crackin', Inc. Devil's Lake, North Dakota.	Egg Processing plant (breaking and dehydration).

[FR Doc. 84-2228 Filed 1-26-84; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

New Mexico State Standards; Notice of Approval

1. *Background.* Part 1953 of Title 29, code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 10, 1975, notice was published in the Federal Register (40 FR 57455) of the approval of the New Mexico State plan and the adoption of Subpart DD to Part 1952 containing the decision.

The New Mexico State plan provides for the adoption of Federal standards as State standards (or "for the adoption of State standards which are at least as effective as the comparable Federal standards" where relevant). On November 4, 1983, the Occupational Safety and Health Administration (OSHA) adopted, pursuant to section 6(c) of the Act, an Emergency Temporary Standard for Occupational Exposure to Asbestos (48 FR 51086-51140). By letter dated December 7, 1983, from Carol Oppenheimer, Bureau Chief,

to Gilbert Sauter, Regional Administrator, and incorporated as part of the plan, the State submitted its Emergency Temporary Standard. This standard which is contained in Environmental Improvement Division Emergency Regulation 1, Emergency Temporary Occupational Health and Safety Standard—Asbestos, was promulgated on November 30, 1983, in accordance with applicable State law.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard is at least as effective as the comparable Federal standard and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the State Emergency Temporary Standard, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, U.S. Department of Labor, OSHA, Room 602, 555 Griffin Square Building, Dallas, Texas 75202; Environmental Improvement Division, Crown Building, 725 St. Michael's Drive, Santa Fe, New Mexico 87503; and the Office of State Programs, Room N3700, 200 Constitution Ave. NW., Washington, D.C. 20210.

4. *Public participation.* 29 CFR 1953.22(b)(1) provides that temporary emergency standards which are identical to or "at least as effective as" the comparable Federal standards may be effective upon publication under the Administrative Procedure Act requirements for good cause, 5 U.S.C. 553(b)(3)(B), for the following reasons:

1. The standard was adopted in accordance with the procedural requirements of State law which authorized promulgations, without public participation for emergency standards, and participation at the Federal level would be impracticable.

2. The emergency nature of the standard requires that its approval be implemented immediately.

This decision is effective January 27, 1984.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Dallas, Texas, this 30th day of December 1983.

Gilbert J. Sauter,
Regional Administrator.

[FR Doc. 84-2392 Filed 1-26-84; 8:45 am]

BILLING CODE 4510-26-M

New Mexico State Standards; Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 10, 1975, notice was published in the *Federal Register* (40 FR 57455) of the approval of the New Mexico State plan and the adoption of Subpart DD to Part 1952 containing the decision.

The New Mexico State plan provides for the adoption of Federal standards as State standards after:

1. Technical Advisory Committee recommendation to the Environmental Improvement Division.

2. Notice of public hearing published in a newspaper of general circulation in the State at least thirty (30) days prior to the date of such hearing.

3. Public hearing conducted by the Environmental Improvement Board.

4. Filing of adopted regulations, amendments or revocations under the State Rules Act.

Section 1952.363 of Subpart DD sets forth the State's schedule for adoption of Federal standards. By letter dated November 1, 1983, from Carol Oppenheimer, Bureau Chief, to Gilbert J. Sauter, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1910.106, Flammable and Combustible Liquids, Amendment; 29 CFR 1910.401 and .402, Educational and Scientific Diving, Amendment; and 29 CFR 1910.1002, Occupational Exposure to Coal Tar Pitch Volatiles, Modification of Interpretation. 29 CFR 1910.106 was published in the *Federal Register* (47 FR 39161-39164) dated September 7, 1982; 29 CFR 1910.401 and .402 were published in the *Federal Register* (47 FR 53365) dated November 26, 1982; 29 CFR 1910.1002 was published in the *Federal Register* (48 FR 2768) dated January 21, 1983.

These standards which are contained in New Mexico Occupational Health and Safety Regulation, Section 200—General Industry Standards, were

promulgated after a public hearing held on September 8, 1983.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, U.S. Department of Labor—OSHA, Room 602, 555 Griffin Square Building, Griffin and Young Streets, Dallas, Texas 75202; Director, Environmental Improvement Division, Crown Building, 725 St. Michael's Drive, Santa Fe, New Mexico 87503; and the Office of State Programs, Room N3700, 200 Constitution Ave., NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good causes which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplements to the New Mexico State plan as proposed changes and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective January 27, 1984.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Dallas, Texas this 30th day of December, 1983.

Gilbert J. Sauter,
Regional Administrator.

[FR Doc. 84-2392 Filed 1-26-84; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Physiology, Cellular and Molecular Biology Subpanel on Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Cell Biology, of the Advisory Panel for Physiology, Cellular, and Molecular Biology.

Date and Time: February 15, 16, and 17, 1984; 9:00 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Wallace M. LeSturgeon, Program Director, Cell Biology Program, Room 332, National Science Foundation, Washington DC 20550
Telephone: 202/357-7474.

Purpose of Subpanel: To provide advice and recommendations concerning support for research in Cell Biology.

Agenda: To review and evaluate research proposals as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemption (4) and (6) of the 5 U.S.C. 552b(c) Government in the Sunshine Act.

Authority to Close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,

Committee Management Coordinator.

January 24, 1984.

[FR Doc. 84-2286 Filed 1-26-84; 8:45 am]

BILLING CODE 7555-01-M

DOE/NSF Nuclear Science Advisory Committee; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee.

Date and Time: February 13, 1984, 9:00 am-6:00 pm; February 14, 1984, 9:00 am-6:00 pm.

Place: Room 540, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Dr. Harvey B. Willard, Head, Nuclear Science Section, National Science Foundation, Washington, D.C. 20550, 202/357-7993.

Summary Minutes: May be obtained from Ms. Dawn Frohlich, Physics Division, National Science Foundation, Washington, D.C. 20550.

Purpose of Committee: To provide advice on a continuing basis to both DOE and NSF on the management of and long range planning for basic nuclear science in the United States.

Agenda: February 13, 1984, 9:00 am-6:00 pm—Opening remarks by the Chairman, remarks by the Chairman of the DOE High Energy Physics Advisory Panel, remarks by

Federal officials, discussion of the FY year 1984 and FY 1985 budgets, and progress reports on facility construction and upgrades;

February 14, 1984, 9:00 am-6:00 pm—

Continuation of progress reports on facility construction and upgrades, Subcommittee activities, and other business.

M. Rebecca Winkler,

Committee Management Coordinator.

January 24, 1984.

[FR Doc. 84-2300 Filed 1-26-84; 8:45 am]

BILLING CODE 7555-01-M

Subpanel on Molecular Biology, Group A, of the Advisory Panel for Physiology, Cellular, and Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meetings:

Name: Subpanel on Biophysics/Biochemistry Programs, Group A, of the Advisory Panel for Physiology, Cellular, and Molecular Biology.

Date and Time: February 13 & 14, 1984, 9:00 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Arthur Kowalsky, Program Director, Biophysics Program, Room 329, National Science Foundation, Washington, DC 20550.

Purpose of Subpanel: To provide advice and recommendations concerning support for research in Biophysics/Biochemistry Programs.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are with exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: January 24, 1984.

M. R. Winkler,

Committee Management Coordinator.

[FR Doc. 84-2289 Filed 1-26-84; 8:45 am]

BILLING CODE 7555-01-M

Program Announcement; U.S.-Spain Cooperative Program in Basic Sciences

Introduction

Basic research in science and engineering is considered an essential element of balanced technological development and, therefore, cooperative research activities in selected fields of mutual benefit to Spain and the United States are to be encouraged. Complementary Agreement Seven of the Agreement of Friendship, Defense, and Cooperation between the U.S. and Spain provides for the establishment of a research grant program to promote cooperative efforts in basic research between these countries. Consequently, the U.S.-Spain Joint Committee for Scientific and Technological Cooperation announces a program of grants for cooperation in basic scientific research.¹ The collaborating government agencies, acting through the Joint Committee, are the Ministerio de Educacion y Ciencia (MEC) on the Spanish side and the National Science Foundation (NSF) on the U.S. side.

Scope of the Program

The grants program of the Joint Committee will support basic research activities of the following four types:

- Cooperative Research Projects.
- Joint Workshops (Seminars).
- Exchange of Senior Scientists.
- Short-term Research Development Visits.

Each of these is described in more detail below.² All awards are designed to stimulate cooperative research of mutual benefit. Developmental support of cooperative programs is based on the supposition that parallel or complementary research is being conducted at the cooperating institutions of the two countries. Because financial support from the Joint Committee is limited to those budgetary items necessary to establish or strengthen an international research linkage, applicant researchers are expected to have sufficient staff and facilities available to carry out all related domestic research at the home institution.

- Cooperative Research Projects are intended to provide for collaboration

¹The Joint Committee has also announced a separate program of cooperative activities in applied sciences. A detailed announcement is available by writing to the Secretariat. The NSF is not a participating agency in applied sciences.

²Details of these programs for Spanish scientists are described in two separate announcements, one dealing with cooperative research projects, and the second dealing with seminars, exchange of scientists, and short-term visits.

between research groups with the research being shared between the scientists' home laboratories. It is therefore expected that research trips between the countries for cooperative research purposes will typically be relatively short and primarily for planning, consultation, data collection, analysis, and review. Projects of one to three years' duration may be proposed. Parallel and simultaneous proposals with a common, unified budget (identical, single budget sheets) must be submitted to the MEC and NSF. The limit for the combined budget for a 1-3 year cooperative project is \$60,000. Primary criteria for selection will be scientific merit, cost-effectiveness, and opportunity for benefit from international collaboration.

- Exchange of Scientists grants will be provided to facilitate long-term research visits (6-15 months) for established scientists. Awards consist of travel funds, stipend/living allowance, and institutional administrative allowance. Awards are limited to a maximum of \$25,000, but may be supplemented by home-institution funds as, for example, in the case of sabbatical leaves. Evidence of acceptance by the host institution and a plan of how this exchange would benefit both sides must be provided in the proposal.

- For Joint Seminars (Workshops), the U.S.-Spain Program will fund small (10-20 total participants) bilateral working conferences on timely research topics of mutual interest. Sufficient expertise and interest in the research area should exist in both countries to make a bilateral meeting mutually beneficial. Publication of conference report is expected. Awards are limited to \$20,000.

- Short-term Visits for development of research programs are intended for Spanish and American scientists as a vehicle for establishing an effective level of bilateral, reciprocal communication and coordination in research. Visits of 1-3 weeks' duration may be proposed either for carrying out a brief, self-contained research activity, or for refining and completing plans for long-term cooperative projects. Awards are limited to travel and per diem expenses.

Eligibility

Proposals may be submitted by U.S. scientists (and engineers) through their home institution. Eligible institutions include academic institutions, nonprofit public and private scientific institutions, associations, and foundations. On the Spanish side, central, state, and local government entities are also eligible applicants if their principal function is the conduct of basic research.

Applications will be submitted through the home institution and will include the endorsement of the appropriate institutional grants office.

The Foundation welcomes proposals on behalf of all qualified scientists and engineers, and strongly encourages women, minorities, and the handicapped to compete fully in any of the research and research-related programs described in this document.

Report Requirements

Final reports are required on all funded projects within 90 days of the termination date. For projects extending in duration beyond one year, annual reports (scientific and financial) are required. The due date for annual reports is two months in advance of the completion of each 12-month activity period. Continued funding of long-term projects will be contingent upon favorable evaluation of annual reports. Semiannual financial reports are also required for long-term (sabbatical) grants for the exchange of senior scientists.

How to Apply

Application forms may be obtained from the Secretariat of the Joint Committee for Science and Technology, Calle Cartagena 83-85, 3°, Madrid 28, Spain.

Spanish scientists must submit four copies of the completed application to the Ministerio de Educación y Ciencia, Dirección General de Política Científica, Calle Cartagena, 5°, Madrid 28, Spain.

On the U.S. side, ten copies of the completed application, endorsed as appropriate by institutional officials, must be submitted to the National Science Foundation, U.S.-Spain Program, Division of International Programs, 1800 G Street NW., Washington, D.C. 20550. United States scientists may also obtain application forms at this address. United States scientists should submit an additional information copy of the completed proposal directly to the Secretariat of the Joint Committee.

For cooperative research and joint seminar proposals, parallel and simultaneous submissions containing a common, unified budget are required for eligibility.

Applicants should be aware that grants will be made by the Joint Committee and not by the National Science Foundation. The terms and conditions of these awards will be prescribed by the Joint Committee.

Review and Selection Criteria

The principal criteria for selection of projects will be scientific merit

(excellence) and cost-effectiveness. Proposals will be reviewed by the MEC (Spain) and NSF (United States), acting as reviewing agencies for the Joint Committee. From among the group of proposals highly recommended by the MEC and NSF jointly, the Joint Committee will make awards. Such secondary criteria as geographic distribution, program scientific balance, and aggregate bilateral budgetary distribution may influence the final selections. The Joint Committee has established the following scientific areas for priority consideration: electrical, computer, and systems engineering; physiology; cellular and molecular biology; chemistry, catalysis and surface science; chemical and process engineering; physics; materials research; geochemistry and geophysics; mathematics and computer science. This list is not exclusive, however.

Submission and Review Deadlines

The deadline for receipt of all cooperative research proposals is March 31, for activities commencing in the following calendar year. Agency review, recommendation to the Joint Committee, and action by the Joint Committee will typically require 4-7 months.

There are two annual deadlines, March 31 and September 15, for proposals in the other three proposal categories, i.e., joint seminars, exchange of senior scientists, and short-term visits for research development.

Proposal Format

Proposals for cooperative research and joint seminars will include the following essential items.

- Cover Page. A suitable cover page should include all of the following: (1) Program and Type of Activity (U.S.-Spain Joint Program/type of included activity); (2) Identification of Submitting Individual and Institution (with mailing address, telephone number); (3) Project Title; (4) Requested Amount, Duration, and Starting Date; (5) Institutional Endorsements.

- Proposal Information Page. This should identify the name and institutional affiliation of the principal Spanish and U.S. collaborators.

- Table of Contents.

- Project Summary (Abstract). Two copies should be provided, one in Spanish, one in English. The abstract should include an introductory paragraph in nontechnical terms and a second paragraph providing a technical summary. The summary should make clear the importance of the collaboration.

• **Project Description.** For cooperative research, this section should be a detailed statement of the work to be undertaken and should include: objectives for the period of the proposed work and expected significance; relation to the present state of knowledge in the field; relation of the proposed international cooperation to the investigator's domestic research; and relation of the proposed international cooperation to previous international contacts, if any. The statement should also include the broad design of experiments or studies to be undertaken and an adequate description of methods and procedures.

For joint seminars, this section should present a thorough scientific justification for convening the meeting and also discuss the reasons for its support on a bilateral basis. Information on other international meetings that have been held and are planned on this topic, and a discussion of the specific timeliness of the proposed meeting between U.S. and foreign scientists should be included. The location and dates should be specified. The scientific scope and program of the meeting must be outlined in detail. Since the Program can only support a small number of participants, the organizers should give careful consideration to the breadth and depth of coverage, the proposed topics to be discussed, and the selection of participants.

• **Expected Scientific Benefits.** This section should specifically address the prospective benefit from international cooperation and should also include any applications and practical results that might be expected.

• **Budget.** Inclusion of a single, unified budget common to both Spanish and U.S. proposals is required. The budget must conform to the specified dollar limits and must be allocated among allowable budget categories. Distribution of funds among Spanish and U.S. institutions (parallel columns) should be clearly indicated and should reflect an awareness of the selection criteria of the Joint Committee. Budget components allowed for cooperative research would be restricted to those necessary to facilitate international linkage: i.e., travel, staff time (salary and/or per diem), communication costs, supplies, publication costs, computer time, analytical services, and indirect costs as appropriate. Equipment in general would not be provided. In the case of seminars, typical costs would include transportation, per diem at standard government rates, modest organizational expenses, and administrative costs.

• **Current Support.** Applicants should provide a summary of other financial support available to assist research in this and related activities. A summary should identify supporting agency, grant title, duration, amount, and relationship to the proposed project.

• **Biographic Information.** Pertinent biographic information, including experience and publications should be included.

• **Facilities.** A brief description of essential facilities on both sides should be provided.

Format for Proposals for Exchange of Scientists and Short-Term Visits

Proposals in these categories should be prepared as specified in the Cooperative Research Guidelines above, with modifications as necessary.

• **Expected Scientific Benefits.** The justification for the choice of foreign host institution and the special advantages of the facilities to the proposed research plan should be clearly stated. A description of the relevance of the proposed research visits to the applicant's research career should also be provided.

• **For long-term Exchange of Scientists,** a copy of the written invitation from the proposed foreign scientific host should be provided including an indication of support available, if any, from the foreign side. This is not needed for short-term visits.

• **Budget.** Requests for subsistence should reflect actual anticipated costs, but in no case may they exceed the U.S. Government local maximum per diem rate for the first thirty days and 50% of that rate thereafter. A statement of other sources of support for the visit/sabbatical leave must be provided.

• **The size of awards for exchange-of-scientists grants will be based on the duration of the stay abroad (6-15 months), as follows:** \$1300/month living allowance, travel expenses (maximum \$3000), and a prorated portion of a \$2500 miscellaneous expense allowance, to a maximum award of \$25,000.

Dissemination of Information. Emphasis is placed on making results of research, seminars, and other cooperative activities supported by the Joint Committee through the Spain-U.S. Program in Basic Sciences known to a wide circle of interested scientists. Accordingly, scientists planning joint research or workshops should expect to develop methods for timely reporting and publication, in the appropriate language(s), of information developed. It is desirable to include these plans in the proposal.

Catalog of Federal Domestic Assistance Number 47.053, Scientific, Technological, and International Affairs.

For further information, contact Dr. Kenneth G. Hancock, Division of International Programs (202/357-7554).

Dated: January 24, 1984.

Bodo Bartocha,

Director, Division of International Programs.

[FR Doc. 84-2287 Filed 1-26-84; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Revision.

2. The title of the information collection: 10 CFR Part 70—Domestic Licensing of Special Nuclear Material.

3. The form number if applicable: Not applicable.

4. How often the collection is required: New fundamental nuclear material control plans are submitted one time. Other reports are submitted as events occur. Nuclear material control and accounting information is submitted in accordance with specified instructions.

5. Who will be required or asked to report: Licensees authorized to possess five or more formula kilograms of strategic special nuclear material.

6. An estimate of the number of responses: 17.

7. An estimate of the total number of hours needed to complete the requirement or request: 12,000.

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: The proposed rule would require licensees authorized to possess five or more formula kilograms of strategic special nuclear material to submit new fundamental nuclear material control plans which describe how they intend to comply with the new performance-oriented requirements.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 23rd day of January 1984.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 84-2385 Filed 1-26-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413, 50-414; ASLBP No. 81-463-01 OL]

Duke Power Company, et al. (Catawba Nuclear Station, Units 1 and 2); Order Postponing Evidentiary Hearing

January 20, 1984.

The Board and parties participated in a telephone conference today concerning whether the evidentiary hearing scheduled for January 26-27, 1984 should be postponed in view of some delay in service on Palmetto Alliance of certain Staff documents. This Order confirms the Board's decision to postpone the hearing until January 30-31, 1984. The hearing will be at the same place and hour, namely, the fourth floor conference room of the Branch Bank and Trust Building on Tryon Street in Charlotte, North Carolina, beginning at 9:30 a.m.

The parties were notified of this postponement by telephone on the date below.

January 20, 1984, Bethesda, Maryland.

James L. Kelly,

Chairman, Administrative Judge.

[FR Doc. 84-2382 Filed 1-26-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-277]

Philadelphia Electric Company, et al.; Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has received a request dated December 9, 1983, for an exemption from requirements of 10 CFR Part 50, Appendix J, and for an amendment to Facility Operating License No. DPR-44 issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), for

operation of the Peach Bottom Atomic Power Station, Unit No. 2, located in York County, Pennsylvania. The licensees requested an extension of approximately two months to the local leak rate test interval for seven primary containment isolation valves.

Although the licensees have initiated an improved maintenance program which has resulted in a substantial improvement in the "as found" leakage rates over the previous leakage history of the valves in question, the Commission has concluded that the improvement is not sufficient to justify extending the test interval requested by the licensees. Accordingly, the Commission has denied this request for an exemption from the requirements of 10 CFR Part 50, Appendix J, and request for amendment to the license.

By February 27, 1984, the licensees may file a request for a hearing with respect to denial of the amendment to the subject facility operating license and any person whose interest may be affected by this denial and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for hearings and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2.

A request for a hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by the above date. Where petitions are filed the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Troy B. Conner, Jr., 1747 Pennsylvania Avenue NW., Washington, D.C. 20006, attorney for Philadelphia Electric Company.

For further details with respect to this section, see (1) the application for an exemption request and amendment dated December 9, 1983, and (2) the

Commission's letter to Philadelphia Electric Company dated January 20, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Dated at Bethesda, Maryland, this 20th day of January 1984.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 84-2383 Filed 1-26-84; 8:45 am]

BILLING CODE 7590-01-M

[License Nos. 13-09649-01, 13-09649-02; EA 83-95]

Terre Haute Regional Hospital; Order Imposing Civil Monetary Penalties

I

Terre Haute Regional Hospital (the "licensee"), 601 Hospital Lane, Terre Haute, IN 57802, is the holder of Byproduct Material Licenses No. 13-09649-01 and No. 13-09649-02 (the "licenses") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes medical diagnostic and therapeutic treatment. License No. 13-09649-01 was issued on January 15, 1979 and expires on January 31, 1984. License No. 13-09649-02 was issued on October 18, 1978 and expires on March 31, 1984.

II

As a result of a routine inspection conducted on July 25 and 26, 1983 by the Nuclear Regulatory Commission's Region III Office, the NRC staff determined that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties was served on the licensee by letter dated October 19, 1983. The Notice stated the nature of the violations, the provisions of the Commission's requirements that the licensee had violated, and the cumulative amount of the proposed civil penalties. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties with a letter dated November 7, 1983.

III

Upon consideration of the licensee's response and the statements of fact, explanation, and arguments for

remission or mitigation of the proposed civil penalties contained therein, as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations set out in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing, and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the cumulative amount of Two Thousand Five Hundred Dollars within 30 days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

V

The licensee may, within 30 days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Should the licensee fail to request a hearing within 30 days of the date of this order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

- Whether the licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties as modified by the Appendix to this Order, and
- Whether on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 17th day of January 1984.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusions

The violations and associated civil penalties are identified in the Notice of

Violation and Proposed Imposition of Civil Penalties dated October 19, 1983. The Office of Inspection and Enforcement's evaluations and conclusions regarding the licensee's response dated November 7, 1983 are presented herein.

In its response, the licensee admits that, with the exception of Item D, each violation occurred as described in the Notice of Violation. Additionally, the licensee offered several reasons why the civil penalties should not be imposed. For Item D, the original violation and licensee response are stated and the NRC's evaluations and conclusions regarding the licensee's response are presented. With respect to the licensee's request that the civil penalties not be imposed, the licensee's reasons are given and NRC's evaluations regarding the licensee's reasons are presented. A final conclusion regarding the civil penalties is also presented.

Item D

Statement of Violation

Condition No. 12 of License No. 13-09649-02 requires that licensed material be used only by, or under the supervision of, individuals specifically named in the license.

Contrary to the above, licensed material was used for Groups II, III, IV, V, and VI uses by individuals, or under the supervision of individuals, not specifically named in the license.

Licensee's Response

The licensee stated that amendment No. 13 and amendment No. 15 of the license authorize Dr. Ko to use or supervise the use of material. The licensee further stated that Dr. Ko has supervised the rare uses of Group IV and V anti-cancer treatments by the Radiation Oncologists. Dr. Ko supervised Dr. Robison's use of iodine-131 in the treatment of five thyroid cancer patients and the use of phosphorus-32 in the treatment of two cases of lung cancer. In a view of Dr. Ko's supervising activities, the licensee submits it was not in violation of its license or NRC regulations.

NRC's Evaluation

Based on information provided by the licensee, the NRC is deleting the reference to Groups IV and V in this violation. However, the NRC maintains that the licensee has provided no information to show that Groups II, III, and VI uses were conducted by or under the supervision of authorized individuals. Therefore, Item D, as modified, remains a violation with a

civil penalty for the violation as originally proposed.

Licensee's Reasons for Not Imposing the Civil Penalties

The licensee offered essentially two reasons why the civil penalties should not be imposed in this matter. These reasons are presented below along with the NRC's evaluation.

1. Licensee's Reason

The licensee states that the violations cited in the 1980 inspection dealt primarily with the nuclear medicine program, while most of the violations cited in the 1983 inspection involved the brachytherapy program. The licensee further states that the problems in the nuclear medicine program were corrected and, since the brachytherapy program is a separate program, the violations in that program should not have been considered as indicative of a failure to take effective corrective action for prior similar problems.

NRC's Evaluation

Organizations may be established in any way a licensee wishes for administrative control; however, the NRC considers all program activities authorized under a single license (13-09649-02) to be an integrated whole. In the 1983 inspection, five of the violations were similar to violations identified in a 1980 inspection. Specifically, these violations included: 1) use of byproduct materials by unauthorized individuals, 2) failure to leak test sealed sources at required intervals, 3) failure to provide personnel monitoring devices, 4) failure to calibrate survey meters at required intervals, and 5) failure to post certain documents or notices. Even though these violations in the 1983 inspection occurred in a different program than in the 1980 inspection (the brachytherapy program versus the nuclear medicine program), the violations indicate a failure to take effective corrective action with regard to previously identified violations since the licensee is responsible for ensuring corrective action is taken throughout its organization regardless of its structure.

2. Licensee's Reason

The licensee suggests that a civil penalty is not appropriate since several violations resulted from confusion over amendments in the license and the oversight of items in the license.

NRC's Evaluation

Any confusion resulting from amendments to the license and the oversight of items in the license was of

the licensee's own doing. The licensee is responsible for ensuring that the requirements of its license are understood and carried out. The NRC expects meticulous attention to detail in the conduct of licensed activities. Under the NRC's Enforcement Policy, licensees who cannot achieve and maintain adequate levels of compliance will not be permitted to continue licensed activities.

Conclusion

After reviewing the licensee's reasons why the civil penalties should not be imposed, the staff had determined that the licensee has not provided a basis for reduction of the civil penalties.

[FR Doc. 84-2384 Filed 1-26-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-537-CP]

United States Department of Energy, Project Management Corporation, Tennessee Valley Authority (Clinch River Breeder Reactor Plant); Conference With Parties

January 20, 1984.

The Appeal Board on December 15, 1983, entered an Order in this proceeding granting a motion of Natural Resources Defense Council, Inc. (NRDC) " * * insofar as it requests termination of appellate proceedings and vacation of the Licensing Board's partial initial decision." ¹ The Clinch River Breeder Reactor Plant (CRBRP) project has been terminated by Congress' refusal to appropriate any more funds for its construction.² The parties to the project had then concluded that " * * there appears no substantial likelihood that such funds will be appropriated", and they subsequently executed a termination agreement on December 27, 1983.³

The Appeal Board Order went on to hold that " * * the issue of revocation of the LWA is better left to the Licensing Board, which still retains jurisdiction over the application for a construction permit." It further stated that "[w]e anticipate that the Board will determine if any conditions to ameliorate the environmental impacts of the site preparation activities are needed."⁴

¹ ALAB-755, 18 NRC—(1983), slip opinion at page 3.

² 129 Cong. Rec. H10529 (November 18, 1983).

³ Applicants' Notification Concerning Project Termination, dated December 27, 1983.

⁴ ALAB-755, slip opinion on pages 3-4. See also authorities cited in footnote 4, page 4.

In view of these statements by the Appeal Board, a conference with the parties on those subjects will be held on Wednesday, March 14, 1984. The Board notes that discussions are in progress among the Applicants and the Staff as to the appropriate measures for site redress.⁵ Former intervenors in this proceeding, such as NRDC and the Sierra Club, will be permitted to participate in the conference by making appropriate limited appearance statements (10 CFR 2.715). All filings that are to be considered at the conference shall be in the hands of the Licensing Board at its Bethesda, Maryland office not later than 3:00 PM, Thursday, March 8, 1984.

Please take notice that a Conference With Parties will be held at 9:00 AM, local time, at the Nuclear Regulatory Commission Hearing Room located at 4350 East-West Highway, 5th Floor, Bethesda, Maryland on Wednesday, March 14, 1984.

Dated at Bethesda, Md., this 20th day of January 1984.

For the Atomic Safety and Licensing Board.
Marshall E. Miller,

Chairman, Administrative Judge.

[FR Doc. 84-2385 Filed 1-26-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Panel for the Decontamination of Three Mile Island, Unit 2; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 will be meeting on February 3, 1984, from 10:00 a.m. to 11:00 a.m. in Room 1167 of the Matomic Building, 1717 H Street, NW., Washington, D.C. The meeting will be open to the public.

The purpose of this meeting is to allow the Panel to meet prior to meeting with the Chairman and Commissioners of the U.S. Nuclear Regulatory Commission. The Panel will discuss issues they plan to raise during the Panel's meeting with the Commission.

Scheduling constraints were responsible for the short notice of this meeting.

Further information on the meeting may be obtained from Dr. Michael T. Masnik, Three Mile Island Program

⁵ See Letter from J. Nelson Grace (CRBR Program Office, Office of Nuclear Reactor Regulation) to Francis X. Gavigan (Department of Energy), dated December 8, 1983.

Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301/492-7466.

Dated: January 25, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-2405 Filed 1-26-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Panel for the Decontamination of Three Mile Island, Unit 2; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 will be meeting on February 9, 1984, from 7:00 p.m. to 10:00 p.m. at the Holiday Inn, 23 South Second Street, Harrisburg, Pennsylvania 17101. The meeting will be open to the public.

At this meeting, representatives from General Public Utilities Nuclear Corporation (GPUNC), the Commonwealth of Pennsylvania and the NRC will describe to the Panel their respective offsite radiation monitoring programs. Mr. G. L. Sjoblom, Director, Office of Radiation Programs, U.S. Environmental Protection Agency, will address the Panel on the possible termination of the EPA Radiation Monitoring Program in the area around the damaged reactor.

Also the Panel will hold a discussion on the U.S. Nuclear Regulatory Commission's recent Supplement to the Programmatic Environmental Impact Statement, addressing occupational radiation exposure. GPUNC will describe their exposure control program.

Organizations or individuals that have specific questions or wish to make a statement at the Panel meeting on either issue should contact Mr. Joel Roth, 4705 Carlisle Pike, Mechanicsburg, PA 17055.

Further information on the meeting may be obtained from Dr. Michael T. Masnik, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 391/492-7466.

Dated: January 25, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-2406 Filed 1-26-84; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-20582; File No. SR-AMEX-84-1]

Self-Regulatory Organizations; Proposed Rule Change; American Stock Exchange, Inc.; Relating to AUTOCLEAR

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 9, 1984, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

1. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) The American Stock Exchange, Inc. (the "Exchange") has decided to implement a clearance enhancement to the Exchange's Post Execution Reporting (PER) system, called AUTOCLEAR, which uses universal contra clearing names ("universal contras") in the reporting and comparison of equity market orders executed through PER.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose.

The Exchange has decided to implement a clearance enhancement to the PER system, AUTOCLEAR, which is designed to eliminate uncompleted trades, or "DK's," for participating member organizations' PER trades.

AUTOCLEAR will provide an automatic comparison of all executed post-opening market orders up to 300 shares (the present PER parameter) entered through PER by substituting

universal contras for actual clearing names of the parties in the reporting and comparison procedures. Universal contras currently are used by the Exchange for pre-opening PER trades processed by the Opening Automated Report Service (OARS) and for trades executed through the Intermarket Trading System.

The attached Information Circular 83-143 explains in detail the purpose of the proposed rule change and the benefits which the Exchange expects its membership to realize as a result of it. Trading and comparison procedures are also described.

AUTOCLEAR will commence as a pilot in selected equities of one specialist unit. Approximately one month thereafter, it will be expanded to selected equities of a second unit and, after further evaluation by the Exchange, will be established as a permanent floor-wide enhancement to PER.

(b) Basis.

The implementation of AUTOCLEAR is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular in that it is designed to facilitate transactions in securities and perfect the mechanism of a free and open market. Further, by eliminating uncompleted trades, the use of universal contras will afford more accurate reporting of small routine orders and will thus result in more efficient and effective market operations, consistent with Section 11A(a)(1)(B) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will create no burden on competition and in fact will enhance the Exchange's competitive status by providing the Exchange with a faster, more efficient, and more accurate order-handling system.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission has approved on a temporary and accelerated basis the effectiveness of the proposed pilot program until the Commission takes final action on SR-Amex-84-1. Within thirty-five days of the date of publication of this notice in the Federal Register or within such longer period (i)

as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, N.W., Washington, D.C. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 19, 1984.

George A. Fitzsimmons,
Secretary.

Exhibit A—Information Circular 83-143

January 3, 1984

To: Members and Member Organizations
From: Victor A. Ricciardelli, Senior Vice President

Subject: Introduction of AUTOCLEAR

Effective January 19, 1984, the Amex will introduce a clearance pilot program called AUTOCLEAR which is designed to use universal contra names to report and compare executions of market orders processed through the PER system.

The use of universal contra names will benefit the membership in the following ways:

- The entering firm is assured a compared trade, even if the other side fails to submit correctly.

- Input submitted by the party on the opposite side of a PER trade will be identified by a unique clearing name, thereby facilitating trade error resolution.

- The comparison error rate will be reduced. The use of universal contra names

has successfully reduced comparison errors in Amex's Opening Automated Reporting System (OARS) and in the NYSE's DOT/TOD program.

AUTOCLEAR Trading Procedures

Specialists will represent PER market orders (i.e., 100 to 300 shares) in the pilot stocks to the crowd as they do today. However, upon execution of a PER market order, the "give-up" to the crowd, or to the specialist's own account, will be the universal contra name APEX. Brokers in the crowd will accept APEX as the contra clearing name for purposes of comparison, and will give up an actual clearing name as usual to the specialist.

When reporting the execution of a PER market order in a pilot stock to the entering firm through an AUTOPER terminal or mark sense card, the specialist will report the actual clearing name received from a broker in the crowd, from an order on the book, or his own account. If two PER market orders are crossed, then the universal contra APEX will be reported as the contra on each order.

In the pilot stocks, PER subscribers will receive system reports of executions showing the universal contra PER as the opposite side.

Member firms should adjust their records and clearance procedures to recognize the new clearing symbols and numbers:

APEX 621
PER 620

Autoclear Comparison Procedures

All PER executions in the pilot stocks will be automatically reported to NSCC on behalf of the PER user. Accordingly, it is not necessary for a firm which receives the contra name PER to submit input to comparison on these trades. In the event a clearing firm does submit an item with the contra PER, NSCC will suppress that item.

Clearing Members involved in a trade with a PER order will submit comparison input to NSCC on T + 1 using the universal contra APEX supplied by the specialists.

A SIAC P&S group will administer AUTOCLEAR operations as it does for OARS. This group will contact clearing firms' P&S departments to resolve any uncompleted APEX trades.

In the event any APEX imbalances remain unresolved by the evening of T + 3, these items will be temporarily placed in the specialists' accounts. Any such items will be identified to specialists' firms.

Commencing with trades of January 19, the following stocks specialized in by the Dritz, Goldring unit will be included in the AUTOCLEAR pilot:

BIC Corp. (BIC)
Chicago Rivet and Machine Co. (CVR)
Connelly Containers, Inc. (CON)
Crown Industries, Inc. (KRO)
Dunlop Holdings, LTD ADR (DLP)
Johnson Products, Inc. (JPC)
Killearn Properties, Inc. (KPH)
Lumex, Inc. (LUM)
Nuclear Data, Inc. (NDI)
Pall Corporation (PLL)
Ranchers & Development Corporation (RAN)
Standard Havens, Inc. Cl A (SHV)
Vermont Research Corp. (VRE)

As soon as possible, the pilot will be expanded to include securities of a second specialist unit, and following an evaluation period, to all securities.

Questions concerning the AUTOCLEAR pilot should be addressed to Mr. Warren Kaiser at (202) 306-1720 or Mr. Angelo Pisani at (212) 306-1724.

[FR Doc. 84-2315 Filed 1-26-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Anniston-Calhoun County Airport; Acceptance of Noise Exposure Map

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its acceptance of noise exposure maps submitted by Anniston-Calhoun County Airport (ANB) the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150.

EFFECTIVE DATE: The effective date of the FAA's acceptance of the ANB noise exposure maps is December 30, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Elton Jay, Civil Engineer, Jackson, Mississippi, Airports District Office, P.O. Box 6111, Pearl Branch, Jackson, Mississippi 39208; (601) 960-4628.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has accepted the noise exposure maps for Anniston-Calhoun Airport, effective December 30, 1983.

Under Section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA a noise exposure map which meets applicable regulations and which depicts noncompatible land uses as of the date of submission of such map, a description of projected aircraft operations, and the ways in which such operations will affect such map. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies and persons using the airport.

An airport operator who has submitted a noise exposure map that is accepted by FAA as meeting Federal Aviation Regulation Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the

prevention of the introduction of additional noncompatible uses.

Anniston-Calhoun County Airport submitted to the FAA on January 5, January 20, August 11, and December 16, 1983, noise exposure maps, descriptions and other documentation which were produced during an airport noise control and land use compatibility (ANCLUC) study conducted at ANB from February 1981 to October 1982. It was requested that the FAA accept this material as a noise exposure map as described in Section 103(a)(1) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Anniston-Calhoun County Airport. The specific maps under consideration are depicted in the Ldn contour maps entitled "Existing Land Use," dated October 1982 and "Proposed Land Use," dated November 1982 contained in the final report, "ANNISTON ANCLUC STUDY."

The FAA has accepted these materials as the noise exposure maps for Anniston-Calhoun County Airport, effective on December 30, 1983.

FAA's acceptance of an airport operator's noise exposure map is limited to the determination that the map was developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such acceptance does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure map to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's acceptance of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 103 of the Act.

The FAA has relied on the certification by the airport operator, under Section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the accepted noise exposure maps and the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration,
National Headquarters, 800
Independence Avenue, SW, Room 615,
Washington, D.C.;

Federal Aviation Administration,
Southern Regional Office, 3400
Norman Berry Drive, Room 673, East
Point, Georgia 30344;

Federal Aviation Administration,
Jackson Airports District Office, FAA
Building, Jackson Municipal Airport,
Jackson, Mississippi; and
Director of Public Works, City of
Anniston, City Hall, Anniston,
Alabama 36202.

Questions may be directed to the individual named above under the heading, "FOR FURTHER INFORMATION CONTACT."

Issued in Atlanta, Georgia, on January 3, 1984.

Jonathan Howe,
Director, Southern Region.
January 4, 1984

[FR Doc. 84-2272 Filed 1-26-84; 8:45 am]
BILLING CODE 4910-13-M

**Radio Technical Commission for
Aeronautics (RTCA) Special
Committee 142—Air Traffic Control
Radar Beacon System/Mode S
(ATCRBS/MODE S) Airborne
Equipment; Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 142 on Air Traffic Control Radar Beacon System/Mode S (ATCRBS/MODE S) Airborne Equipment to be held on February 16-17, 1984, in the RTCA Conference Room, One Farragut Square, 1425 K Street N.W., Suite 500, Washington, D.C., commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Review of Proposed Mode S Format Modifications; (3) Discussion of Data Link Operational Capabilities; (4) Discussion of Proposed Options for Avionic Architecture; (5) Review of Data Link Coding Proposals; (6) Establish Future Special Committee Activities; and (7) Other Business.

Attendance is open to the interested public but limited to space available.

With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, N.W., Suite 500, Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on January 18, 1984.

Karl F. Bierach,
Designated Officer.

[FR Doc. 84-2271 Filed 1-26-84; 8:45 am]
BILLING CODE 4910-13-M

**Radio Technical Commission for
Aeronautics (RTCA); Special
Committee 152—Digital Avionics
Software; Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 152 on Digital Avionics Software to be held on February 14-16, 1984, in the RTCA Conference Room, One Farragut Square, 1425 K Street N.W., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Second Meeting Held on November 7-9 1983; (3) Report of the System Design Working Group; (4) Report of the Software Design and Testing Working Group; (5) Report of the Full Flight Regime Systems Working Group; (6) Report of the Configuration Management and Documentation Working Group; (7) Report on European Organization for Civil Aviation Electronics (EUROCAE) Working Group-12 Activities; (8) Working Groups Meet in Separate Sessions; (9) Special Committee Plenary Session; and (10) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, N.W., Suite 500, Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on January 18, 1984.

Karl F. Bierach,
Designated Officer.

[FR Doc. 84-2270 Filed 1-26-84; 8:45 am]
BILLING CODE 4910-13-M

**National Highway Traffic Safety
Administration**

**National Highway Safety Advisory
Committee; Public Meeting**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App. I), notice is hereby given of a National Highway Safety Symposium co-sponsored by the Department of Transportation and the National Highway Safety Advisory Committee. The Symposium will take place at the Colonial Williamsburg Conference Center on February 28, 29 and March 1, 1984. The theme of the Symposium is "Emerging Issues in Highway Safety" and will be developed through a series of panels and workshops.

In addition, the Committee will meet from 2:00-5:00 p.m. on March 1 to discuss results from the Symposium, and past and future activities.

All meetings are open to the interested public, but may be limited to the space available. Members of the public may present a written statement to the Committee at any time. This meeting is subject to the approval of the appropriate DOT officials. Additional information and full agendas may be obtained from the NHTSA Executive Secretariat, 400 Seventh Street, SW., Washington, D.C., 20590, telephone 202-426-2870.

Issued in Washington, D.C. on January 24, 1984.

Robert E. Doherty,
Executive Secretary.

[FR Doc. 84-2310 Filed 1-26-84; 8:45 am]
BILLING CODE 4910-50-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 84-23]

**Customhouse Broker's Licenses;
Suspension of Customhouse Broker's
Licenses Nos. 3245, 3421, 3916, and
4303**

Notice is hereby given that, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and Part 111 of the Customs Regulations, as amended (19 CFR Part 111), the Assistant

Secretary of the Treasury and the parties listed below have agreed to the suspension of their customhouse broker's licenses as follows: the individual customhouse broker's license No. 3245 issued to Nicholas DeFonte for two weeks beginning February 6, 1984; the individual customhouse broker's license No. 3421 issued to Vito Pepitone for two weeks beginning January 16, 1984; the corporate customhouse broker's license No. 3916 issued to N. J. DeFonte Co., Inc., for three days beginning January 16, 1984; and the corporate customhouse broker's license No. 4303 issued to John F. Kilroy Co., Inc., for three days beginning January 11, 1984.

Dated: January 11, 1984.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 84-2333 Filed 1-26-84; 8:45 am]

BILLING CODE 4820-02-M

Fiscal Service

[4-00236]

Treasury Current Value of Funds Rate

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Notice of rate for use in Federal debt collection and discount evaluation.

SUMMARY: Pursuant to section 11 of the Debt Collection Act of 1982 (31 U.S.C. 3717), the Secretary of the Treasury is responsible for computing and publishing the percentage rate to be used in assessing interest charges for outstanding debts on claims owed the Government. Treasury's Cash Management Regulations (1 TFM 6-8000) also prescribe use of this rate by agencies as a comparison point in evaluating the cost-effectiveness of a cash discount. Notice is hereby given that the applicable rate is 9% for the third quarter of FY 1984.

DATES: The rate will be in effect for the period beginning on April 1, 1984 and ending on June 30, 1984.

FOR FURTHER INFORMATION CONTACT: Inquiries should be directed to the Cash Management Program Staff, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, PB-711, Washington, D.C. 20226 (Telephone: 202/634-5131).

SUPPLEMENTARY INFORMATION: The rate reflects the current value of funds to the Treasury for use in connection with Federal cash management systems and is based on investment rates set for purposes of Pub. L. 95-147, 91 Stat. 1227. Computed each year by averaging

investment rates for the twelve-month period ending every December 31 for applicability effective April 1, the rate is subject to quarterly revisions if the annual average, on a moving basis, changes by 2 per centum. The rate in effect for the third quarter of FY 1984 reflects the average investment rates for the twelve-month period ended December 31, 1983. The applicable rate will be published on or around the end of the first month of a given quarter for use during the succeeding calendar quarter.

Dated: January 24, 1984.

Russell D. Morris,

Assistant Commissioner.

[FR Doc. 84-2336 Filed 1-26-84; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains a proposed reinstatement and lists the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the proposed form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395-6880.

DATES: Comments on the form should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: January 24, 1984.

By direction of the Administrator,
Dominick Onorato,
Associate Deputy Administrator for
Information Resources Management.

Reinstatement

1. Department of Veterans Benefits.
2. Quarterly Report of State Approving Agency Activities (Under Chapter 36, United States Code).
3. VA Form 22-7398.
4. Quarterly.
5. State or local governments.
6. 76 responses.
7. 304 hours.
8. Section 3504 does apply.

[FR Doc. 84-2329 Filed 1-26-84; 8:45 am]

BILLING CODE 8320-01-M

Information Collections Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following collections of information requirements under the provisions of 5 CFR 1320.14 (Paperwork Reduction Act, Pub. L. 96-511). These collections of information requirements are already in use but do not have OMB control numbers. The following information is listed for each: (1) The regulation containing the collections of information requirements; (2) The subject of the collections of information requirements; and (3) Who will be required or asked to report or record information.

ADDRESSES: Information on and copies of the collections of information requirements can be obtained from Nancy C. McCoy, Information & Regulations Staff (004A1), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. Comments and questions about the items on this list should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Dick Eisinger, Desk Officer for VA, 726 Jackson Place NW., Washington, DC 20503, (202) 395-6880.

DATES: Comments on the information collections should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: January 24, 1984.

By Direction of the Administrator.

Dominick Onorato,
Associate Deputy Administrator for
Information Resources Management.

Information Collections Contained in Current Regulations (Recordkeeping Requirements)

- (1) 38 CFR 18.406(c) and 18.422(e).

(2) Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

(3) State or local governments, Businesses or other for-profit, non-profit institutions, small businesses or organizations.

* * * * *

(1) 38 CFR 21.4252(h).

(2) Veterans Education; Erroneous, Deceptive and Misleading Practices.

(3) State or local governments, Businesses or other for-profit.

* * * * *

(1) 38 CFR 36.4215.

(2) Records Maintained by Holders of Loans for Mobile Homes and Lots.

(3) Businesses or other for-profit.

* * * * *

(1) 38 CFR 36.4600(c)(11)

(2) Records Maintained by Holders of Vendee Accounts Sold by VA with Repurchase Agreement.

(3) Business or other for-profit.

* * * * *

(1) 38 CFR 36.4330.

(2) Records Maintained by Holders of Guaranteed or Insured Home Loans.

(3) Businesses or other for-profit.

[FR Doc. 84-2328 Filed 1-26-84; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on February 21, 1984 at 1:00 P.M. the Chicago Station Committee on

Educational Allowances shall at Room #508, 536 South Clark Street, Chicago, Illinois 60605, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Olive Harvey College, 10001 South Woodlawn, Chicago, Illinois 60628 should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: January 17, 1984.

Grady W. Horton,

Director, VA Regional Office, 536 South Clark Street, Chicago, ILL 60605.

[FR Doc. 84-2291 Filed 1-26-84; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 49, No. 19

Friday, January 27, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Items
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1

CIVIL AERONAUTICS BOARD

[M-398, Amdt. 2, Jan. 26, 1984]

Addition and Closure of Item to the January 26, 1984 Meeting

TIME AND DATE: 10 a.m., January 26, 1984

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

30. Developments on Canada. (BIA)

STATUS: Closed.

PERSON TO CONTACT FOR MORE

INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673-5068.

Phyllis T. Kaylor,

Secretary.

[FR Doc 84-2498 Filed 1-25-84; 3:58 pm]

BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: TUESDAY, JANUARY 31, 1984, 9:30 A.M. (EASTERN TIME).

PLACE: Commission Conference Room No. 200-C, Second Floor, Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes.

2. A Report on Commission Operations (Optional).

3. Proposed Criteria for Designation of Field Offices.

Closed:

1. Proposed Litigation Authorization.
2. Consideration of Commissioner Charges and Commissioner Charge Decisions.
3. Consideration of certain ORA Decisions.
4. Consideration of Certain Subpoenas.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission Meetings in the Federal Register, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE

INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

This notice issued on January 24, 1984.

Dated: January 24, 1984.

Treva McCall,

Executive Secretary to the Commission.

[FR Doc. 84-2404 Filed 1-25-84; 10:09 am]

BILLING CODE 6570-06-M

3

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF

PREVIOUS ANNOUNCEMENT: Vol. No. 49, Page No.—None at this time. Date Published—None at this time.

PLACE: Board Room, Sixth Floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Ms. Gravelee (202-377-6970).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board Meeting previously scheduled Thursday, February 2, 1984, at 2:30 p.m. which has been changed to Friday, February 3, 1984, at 10:30 a.m.

Insurance Coverage of Accounts Held by Investment Companies, Insurance of Joint Accounts
Deposit Growth

[No. 68, January 25, 1984]

J. J. Finn,

Secretary.

[FR Doc. 84-2497 Filed 1-25-84; 3:56 pm]

BILLING CODE 6720-01-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 30, 1984.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Wednesday, February 1:*

2:00 p.m.:

Briefing on Final License Fee Rule (Public Meeting) (Tentative)

Thursday, February 2:

2:00 p.m.

Briefing on Quarterly Progress on Safety Goal Evaluation Report and Draft PRA Document (Public Meeting)

Friday, February 3:

11:00 a.m.

Periodic Meeting with Advisory Panel on TMI-2 Cleanup (Public Meeting)

Additional Information: Affirmation of NRC Response to Court Decision Vacating Interim Rule on Environmental Qualification Deadline scheduled for January 26, *postponed*.

To verify the status of meetings call (recording)—(202) 634-1498.

CONTACT PERSON FOR MORE

INFORMATION: Walter Magee (202) 634-1410.

January 24, 1984.

Walter Magee,

Office of the Secretary.

[FR Doc. 84-2458 Filed 1-25-84; 3:43 pm]

BILLING CODE 7590-01-M

Testis Federal Labor

Friday
January 27, 1984

Part II

Department of Labor

Employment Standards Administration,
Wage and Hour Division

Minimum Wages for Federal and
Federally Assisted Construction; General
Wage Determination Decisions; Notice

DEPARTMENT OF LABOR

Employment Standards
Administration, Wage and Hour
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions

are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Part 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedes
Decisions to General Wage
Determination Decisions

Modifications and Supersedes determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedes divisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedes decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest

in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Louisiana: LA83-4059	Aug. 5, 1983.
Michigan: MI83-2008	Feb. 11, 1983.
Montana: MT83-5101	Feb. 18, 1983.
Nebraska: NE84-4094	Jan. 13, 1984.
New York: NY81-3030	May 1, 1981.
Ohio: OH83-5122	Nov. 25, 1983.
Oregon: OR83-5100	Feb. 18, 1983.
Pennsylvania: PA81-3066	Oct. 23, 1981.
Texas: TX83-4082	Oct. 21, 1983.
Wisconsin:	
WI83-2074	Sept. 21, 1983.
WI83-2075	Sept. 23, 1983.
WI83-2076	Sept. 30, 1983.
WI83-2077	Oct. 7, 1983.
WI83-2079	Oct. 7, 1983.
WI83-2078	Oct. 7, 1983.
WI83-2080	Oct. 7, 1983.
WI83-2081	Oct. 14, 1983.
WI83-2082	Oct. 14, 1983.
WI83-2081	Aug. 5, 1983.
WI83-2083	Oct. 14, 1983.
WI83-2088	Sept. 2, 1983.
WI83-2084	Oct. 28, 1983.
Maryland: MD83-3010	June 3, 1983.
Nebraska: NE83-4085	Dec. 9, 1983.

Supersedes Decisions to General Wage
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedes decision numbers are in parentheses following the numbers of the decisions being superseded.

Louisiana: LA83-4076(LA84-4003)	Oct. 21, 1983.
South Dakota: SD81-5155(SD-84-5000)	Oct. 2, 1981.
Texas: TX83-4005(TX84-4002)	Jan. 7, 1983.

Signed at Washington, D.C. this 20th day of January 1984.

James L. Valin,
Assistant Administrator.

BILLING CODE 4510-27-M

MODIFICATIONS

DECISION NO. LA83-4059 - MOD. #1 (48 FR 35836 - 8/5/83) Statewide Louisiana	DECISION NO. MI83-2008 MOD. #3 (48 FR 6456 - February 11, 1983) Alger, Baraga, Chippewa, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Ontonagon and Schoolcraft Counties, Michigan	DECISION NO. NY81-3030 MOD. #12 (46 FR 24850 - May 1, 1981) CATTARAUGUS, CHAUTAUQUA, & ERIE COUNTIES, NEW YORK	DECISION NO. NY81-3030 MOD. #12 (46 FR 24850 - May 1, 1981) CATTARAUGUS, CHAUTAUQUA, & ERIE COUNTIES, NEW YORK
CHANGE: Bricklayers/stonemason: Zone 1 Carpenters: Zone 3: Carpenters/drywall Millwrights Piledrivers Zone 2: Millwrights Zone 10: Millwrights Laborers: Zone 5: Group 1 Group 2 Group 3 Zone 6: Group 1 Group 2 Group 3 Lathers: Zone 1 Zone 6	Change: Electricians: Remainder of counties: Contracts \$70,000.00 or more Contracts under \$70,000.00	Change: Ironworkers: Reinforcing & structural	CHANGE: PLUMBERS CATTARAUGUS, CHAUTAUQUA, (Remainder of county), ERIE COUNTY
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Fringe Benefits	Fringe Benefits	Fringe Benefits	Fringe Benefits
\$16.75 2.26	\$14.55 2.10 +4%	\$12.10 3.90	\$17.62 4.18
13.25 2.50	11.20 2.10 +4%		
13.95 2.50			
13.65 2.50			
18.47 .07			
18.47 .07			
11.67 .85			
11.77 .85			
11.82 .85			
11.27 .85			
11.37 .85			
11.42 .85			
14.78 2.50			
13.40 1.78			

MODIFICATIONS

DECISION NO. MT83-5101 - MOD. #4 (48 FR 7370 - February 18, 1983) Statewide, Montana	DECISION NO. MT83-5101 - MOD. #4 (48 FR 7370 - February 18, 1983) Statewide, Montana	DECISION NO. MT83-5101 - MOD. #4 (48 FR 7370 - February 18, 1983) Statewide, Montana
Change: Bricklayers; Marble Masons: Area 8 Carpenters: Area 4: Carpenters Piledriver Millwrights Electricians: Area 7: Electricians Cable Splicers Elevator Constructors: Mechanic Helpers Probationary Helper Line Construction: Area 1: Lineman, Pole Sprayer Cable Splicers Line Equipment Op. Powderman Groundman Painter: Area 6 Plasterers: Area 1 Plumbers: Area 1 Area 4 Roofers: Area 2 Ironworkers: Laborers: Group 1 Group 2 Group 3 Sheet Metal Workers	Change: Bricklayers; Marble Masons: Area 8 Carpenters: Area 4: Carpenters Piledriver Millwrights Electricians: Area 7: Electricians Cable Splicers Elevator Constructors: Mechanic Helpers Probationary Helper Line Construction: Area 1: Lineman, Pole Sprayer Cable Splicers Line Equipment Op. Powderman Groundman Painter: Area 6 Plasterers: Area 1 Plumbers: Area 1 Area 4 Roofers: Area 2 Ironworkers: Laborers: Group 1 Group 2 Group 3 Sheet Metal Workers	Change: Bricklayers; Marble Masons: Area 8 Carpenters: Area 4: Carpenters Piledriver Millwrights Electricians: Area 7: Electricians Cable Splicers Elevator Constructors: Mechanic Helpers Probationary Helper Line Construction: Area 1: Lineman, Pole Sprayer Cable Splicers Line Equipment Op. Powderman Groundman Painter: Area 6 Plasterers: Area 1 Plumbers: Area 1 Area 4 Roofers: Area 2 Ironworkers: Laborers: Group 1 Group 2 Group 3 Sheet Metal Workers
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Fringe Benefits	Fringe Benefits	Fringe Benefits
\$14.25 2.10	\$14.25 2.10	\$14.25 2.10
12.53 2.61	12.53 2.61	12.53 2.61
12.83 2.61	12.83 2.61	12.83 2.61
13.78 2.61	13.78 2.61	13.78 2.61
18.95 1.35	18.95 1.35	18.95 1.35
19.89 1.35	19.89 1.35	19.89 1.35
16.44 2.99+a	16.44 2.99+a	16.44 2.99+a
11.51 2.99+a	11.51 2.99+a	11.51 2.99+a
8.22	8.22	8.22
16.48 1.15	16.48 1.15	16.48 1.15
17.61 1.15	17.61 1.15	17.61 1.15
14.59 1.15	14.59 1.15	14.59 1.15
11.86 1.15	11.86 1.15	11.86 1.15
15.42 1.81	15.42 1.81	15.42 1.81
14.00 2.05	14.00 2.05	14.00 2.05
18.63 3.50	18.63 3.50	18.63 3.50
13.90 2.20	13.90 2.20	13.90 2.20
17.74 4.15	17.74 4.15	17.74 4.15
10.67 2.50	10.67 2.50	10.67 2.50
10.92 2.50	10.92 2.50	10.92 2.50
11.07 2.50	11.07 2.50	11.07 2.50
16.00 3.05	16.00 3.05	16.00 3.05

POWER EQUIPMENT OPERATORS:
STATEWIDE

A-Frame Truck Crane,
Winch Truck and similar
Air Compressor, single
Air Compressor, two or
more
Air Doctor
Asphalt Paving Machine
Operator
Asphalt Paving Machine
Screed Operator
Automatic Finegrader,
Gurries and other
similar types
Belt Finish Machine
Operator
Bit Grinder
Bituminous Mixer Paving,
Travel Plant
Boring Machine (small),
Jeep, Pickup or Farm
Tractor mounted
Boring Machine (large)
Broom, self-propelled
Cableway Highline
Operator
Cement Silo Operator
Central Mixing Plants,
Concrete dam and
stationary
Chain Bucket Loader
Chip or Gravel Spreader,
self-propelled
Concrete Batch Plant,
one and two Mixers
Concrete Batch Plant,
three and four Mixers
Concrete Batch Plant,
five Mixers and over
Concrete Batch Plant
Oilier, up to and in-
cluding two Mixers
Concrete Batch Plant
Oilier, three Mixers and
over
Concrete Bucket
Dispatcher
Concrete Curing Machine

Basic Hourly Rates	Fringe Benefits	Fringe Benefits
\$12.85	\$3.19	\$3.19
12.94	3.19	3.19
12.71	3.19	3.19
13.01	3.19	3.19
13.21	3.19	3.19
13.21	3.19	3.19
13.34	3.19	3.19
12.71	3.19	3.19
13.01	3.19	3.19
13.01	3.19	3.19
12.60	3.19	3.19
13.21	3.19	3.19
12.68	3.19	3.19
13.72	3.19	3.19
12.80	3.19	3.19
13.46	3.19	3.19
12.73	3.19	3.19
12.83	3.19	3.19
13.21	3.19	3.19
13.41	3.19	3.19
13.61	3.19	3.19
12.53	3.19	3.19
12.84	3.19	3.19
13.01	3.19	3.19
13.01	3.19	3.19

MODIFICATIONS

Basic Hourly Rates	Fringe Benefits
DECISION #N83-4085 - Mod. #2 (48 FR 55258 - December 9, 1983) Douglas, Sarty, and Cass Counties, Nebraska	POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D) Group 3-Heavy duty mechanics guy derrick, used as exca- vators or lift cranes), & backhoe (over 1 yd.).
Change: Ironworkers	\$12.10 3.90
Laborers: Common laborers	10.41 2.80
Biggame mobile ops., mortar mixers, mason tenders	10.585 2.80
Plasterers tenders	10.795 2.80
Quit: Power Equipment Operators:	
Group 1	8.31 2.40
Group 2	8.40 2.40
Group 3	10.69 2.40
Group 4	11.13 2.40
Group 5	12.17 2.40
Group 6	12.42 2.40
Group 7	12.82 2.40
Group 8	13.01 2.40
POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS Add:	
Power Equipment Operators:	
Group 1	9.66 2.55
Group 2	12.65 2.55
Group 3	14.17 2.55
POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS Group 1-Oilers, oiler drivers, conveyors, heaters, rubber- tired grading tractors, air compressors, pumps, welding machines, small forklift, electric hammers & extractors.	
Group 2-Spread oiler, bull- dozer, concrete pumps, one drum hoist, straddle truck, blades, and loaders, self- propelled scrapers, two drum hoist, trenching machines, dredges, backhoe (1 yd. & under), winch truck & side boom, cat boom, locomotives, refrige- ration compressor (where used to solidify ground for excavation), & extended reach forklifts.	

MODIFICATIONS

Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS: (Cont'd) Water Level Capacity, including Sideboards: (Cont'd): Over 25 cu. yds. to and including 30 cu. yds. Over 30 cu. yds. to and including 35 cu. yds. Over 35 cu. yds. to and including 40 cu. yds. Over 40 cu. yds. to and including 45 cu. yds. Over 45 cu. yds. - addi- tional \$.10 per hour each additional 5 cu. yds. increment	\$14.05 2.22 14.11 2.22 14.17 2.22 14.23 2.22
DUMPSTERS POWER TRUCK DRIVER (bulk unloader type) FLAT TRUCKS: To and including 3 tons Over 3 tons factory rating	13.63 2.22 13.68 2.22 13.65 2.22 13.85 2.22
FUEL TRUCK DRIVERS; TIREMEN LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI- TRAILER CARRIERS, LIFT TRUCK and FORK LIFTS POWER BROOM WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS: 2,500 gallons and under	14.09 2.22 13.85 2.22 13.75 2.22 13.59 2.22 13.50 2.22
Over 2,500 gallons to and including 4,500 gallons Over 4,500 gallons to and including 6,000 gallons Over 6,000 gallons to and including 8,000 gallons Over 8,000 gallons to and including 10,000 gallons Over 10,000 gallons - additional \$.10 per hour each additional 2,000 gallons increment	13.79 2.22 13.63 2.22 13.99 2.22 14.05 2.22 14.13 2.22
TRUCK MECHANIC	14.49 2.22

DECISION NO. N83-5101
(CONT'D)TRUCK DRIVERS:
STATEWIDE

COMBINATION TRUCK; Con-
crete Mixer and Transit
Mixer:
To and including 4 cu.
yds. 4 cu. yds. to and
including 6 cu. yds.
Over 6 cu. yds. to and
including 8 cu. yds.
Over 8 cu. yds. to and
including 10 cu. yds.
Over 10 cu. yds. - addi-
tional \$.08 per hour each
additional 5 Batch
increment

DISTRIBUTOR DRIVER
DRY BATCH TRUCKS:
3 Batch or under
Over 3 Batch to and
including 5 Batch
Over 5 Batch to and
including 10 Batch
Over 10 Batch to and
including 15 Batch
Over 15 Batch-additional
15¢ per hour each addi-
tional 5 Batch increment

PICKUP DRIVER, HAULING
MATERIALS
DUMPMAN, GRAVEL SPREADER
BOX OPERATOR; Pilot Car
Driver, Teamsters
DUMP TRUCKS AND SIMILAR
EQUIPMENT, DW 20, DW 21,
or EUCLID TRACTORS,
Pulling P.R. 21 or si-
milar Dump Wagons:
Water Level Capacity,
including Sideboards:
7 cu. yds. or less
Over 7 cu. yds. to and
including 10 cu. yds.
Over 10 cu. yds. to
and including 15 cu.
yds.
Over 15 cu. yds. to
and including 20 cu.
yds.
Over 20 cu. yds. to
and including 25 cu.
yds.

MODIFICATIONS

DECISION NO. 0183-5122 (Cont'd)

ADD:	Power Equipment Operators:	Zone 2:	Zone 3:	Power Equipment Operators:	ADD:	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
	Master Mechanic	Class A	Class B	Master Mechanic		\$17.38	\$3.36	\$16.64	\$3.36
	Class A	Class B	Class C	Class A		17.13	3.36	16.39	3.36
	Class B	Class C	Class D	Class B		17.03	3.36	16.27	3.36
	Class C	Class D	Class E	Class C		15.99	3.36	15.23	3.36
	Class D	Class E		Class D		15.52	3.36	14.80	3.36
	Class E			Class E		11.83	3.36	10.94	3.36

CLASS A - Air Compressor on Steel Erection; Asphalt Plant Engineers (Cleveland District only); Boiler Operator on Compressor or Generator when mounted on a rig; Cables; Concrete Combination Concrete Mixer & Tower; Concrete Plants (over 4 yd. capacity); Concrete Pumps; Cranes (including Boom Trucks, Cherry Pickers); Driveways; Druggies; Draglines; Drifters; Dipper, Clim or suction; Elevating Grader or Euclid Loader; Floating Equipment; Griddles; Helicopter Crew (operator-hoist or winch); Hoers; Hoisting Engines; Hoisting Engines on Shaft or Tunnel Work; Industrial-Type Tractor; Jet Engine Dryer (D8 or D9) Diesel Tractor; Locomotives (Standard Gauge); Maintenance Operator Class A; Mixer, Paving (Single or Double Drum); Mucking Machines; Multiple Scraper; Pile-driving Machines; Power Shovels; Quad 9 (double pusher); Refrigerating Machine (Freezer Operation); Rotary Drill on Caisson Work; Slide-Booms; Slip-Form Paver; Tower Derrick; Tree Shredder; Trench Machine (over 24" wide); Truck Mounted Concrete Pumps; Tug Boat; Tunnel Machine and/or Mining Machine; Wheel Excavator

CLASS B - Asphalt Paver; Automatic Subgrader Machine, Self-propelled (CMT type); Boring Machine Operator (more than 48"); Bulldozer; Endloader; Kolman-Loader (production type-Dirt); Load Grease Mtn. Maintenance Operators Class B (Exclu. Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, & Medina Counties); Power Grader; Power Scrapers; Push Cat; Trench Machine (24" wide & under)

CLASS C - Air Compressor on Tunnel Work (low pressure); Asphalt Plant Engineer (Exclu. Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, & Medina Counties); Locomotive (narrow gauge); Mixers, Concrete (more than one bag capacity); Mixers, one bag capacity (side loader); Power Rollers over 15 lb. pressure; Pump Op. installing & operating well points; Pumps (4" & over discharge); Rollers - Asphalt; Utility Operator (Small Equipment); Welding Machine & Generators

CLASS D - Back Filler; Bat, Joint & Mesh Installing Machine; Batch Plant; Boring Machine Operators (48" or less); Bull Floats; Burlap & Curing Machines; Compressor (Portable, Sewer, Heavy, & Highway); Concrete Plant (Capacity 4 yd. & under); Concrete Saw (Multiple); Conveyors (Highway); Crushers; Deckhand; Drill, highway (with integral power); Farm-type Tractor with attachments (highway); Finishing Machines; Fireman, Floating Equipment; Fork Lift (highway) except masonry; Form Trenchers; Hydro Hammer; Hydro Seeders; Pavement Breaker; Plant Mixers; Post Driver; Post Hole Digger (power auger); Power Brush Burner; Power Form Handling Equipment; Road Widening Trencher; Rollers (brick, grade, macadam); Self-propelled Power Spreaders; Self-propelled Power Subgraders; Steam Fireman; Tractor (pulling sheepfoot roller or grader); Vibratory Compactors (with integral power)

CLASS E - Drum Fireman (asphalt plant); Forklift (masonry); Inboard-Outboard Motor Boat - Launch; Power Scrubber; Power Sweeper; Oil Heaters (asphalt plants); Oilers; Power Driven Heaters; Pumps (under 4" discharge); Tenders; Tire Repairment; VAC/ALLS

MODIFICATIONS

DECISION NUMBER 0183-5122 -

MOD. #3

(48 FR 51254 - November 25,

1983)

Statewide, Ohio

CHANGE:

Modification Number One in
48 FR 991 - January 6, 1984
to read Modification Number
Two

Modification Number Two in
48 FR 57666 - December 30,
1983 to read Modification
Number One

Bricklayers & Stonemasons:

Area 16

Carpenters & Pile-drivers:

Area 1:

Carpenters

Pile-drivers

Area 4:

Carpenters

Pile-drivers

Area 10:

Carpenters

Pile-drivers

Area 16:

Carpenters

Pile-drivers

Electricians:

Area 5

Area 10:

Electricians

Cable Splicers

Area 13:

Within 11 mile radius of

3rd & Main Sts., Dayton,

Ohio

Beyond 11 mile radius

Area 15

Area 13:

Electricians

Cable Splicers

Area 20

Area 25:

Electricians

Cable Splicers

Area 20

Area 25:

Electricians

Cable Splicers

Area 20

Area 25:

Electricians

Cable Splicers

Area 20

Area 25:

Electricians

Cable Splicers

Area 20

Area 25:

Electricians

Cable Splicers

Area 20

Area 25:

Electricians

Cable Splicers

Area 20

Area 25:

Electricians

Cable Splicers

Area 20

Area 25:

Electricians

Cable Splicers

Area 20

Area 25:

Electricians

Cable Splicers

MODIFICATIONS

DECISION NO. / MOD. NO. / DATE	Basic Hourly Rates	Fringe Benefits	DECISION # / MOD. # / DATE	Basic Hourly Rates	Fringe Benefits
DECISION NO. TX83-4082 - MOD. #3 (48 FR 48913 - 10/21/83) Jefferson & Orange Cos Texas			DECISION #W183-2074-MOD#2 (48 FR 43535-September 21, 1983) Ashland, Bayfield and Douglas Counties, Wisconsin		
CHANGE: Bricklayers/stonemason const. of not more than 2 units & condominium townhouses of not more than 10 units excluding all apt. const. & multiple bldgs. for rental purposes	\$19.08	2.20	CHANGE: Boilermakers Ironworkers ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	\$17.345 14.97	3.00 3.25
Carpenters-residential const. of not more than 2 units & condominium townhouses of not more than 10 units excluding all apt. const. & multiple bldgs. for rental purposes	15.79 17.57	3.065 2.20	ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Tile setters			Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).		
Elevator Constructors Helpers (Prob.)	7.78	2.25	DECISION #W183-2075-MOD#1 (48 FR 43536-September 23, 1983) Barron, Dunn, Polk and St. Croix Counties, Wisconsin		
Millwrights	16.57	2.25	CHANGE: Boilermakers Ironworkers Structural, Ornamental and Reinforcing	17.345	3.00
Marble Setters	15.10	2.02	ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Plasterers	11.90	2.21	DECISION #W183-2076-MOD#1 (48 FR 45003-September 30, 1983) Brown, Door, Kewaunee & Oconto Counties, Wisconsin		
Plumbers & Steamfitters	17.05	2.39	CHANGE: Asbestos Workers Boilermakers Ironworkers: Structural, Ornamental & Reinforcing	\$17.75 17.345	2.01 3.00
Sheet metal workers	15.23	4.39	ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	14.08	3.00
Soft floor layers	11.94	2.25	DECISION #W183-2077-MOD#1 (48 FR 45922-October 7, 1983) Calumet, Fond Du Lac, Manitowoc, Outagamie and Sheboygan, Wisconsin		
Terrazzo workers	13.85	2.02	CHANGE: Boilermakers ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	17.345	3.00
Tile Setters	13.85	2.02	DECISION #W183-2079-MOD#1 (48 FR 45920-October 7, 1983) Chippewa, Eau Claire and Pepin Counties, Wisconsin		
Roofers: Area 1: (All classifications and rates)			CHANGE: Boilermakers Carpenters, Lathers and Soft Floor Layers Ironworkers Millwrights & Pile-drivers	17.345 13.61 17.10 14.01	3.00 2.21 2.39 2.21
ADD: Roofers: Area 1: (All classifications and rates)			ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Roofers: Area 2: (All classifications and rates)					
Roofers: Area 3: (All classifications and rates)					
Electricians: Cable Splicers	18.80 19.55	3.50+3% 3.50+3%			

MODIFICATIONS

DECISION NO. / MOD. NO. / DATE	Basic Hourly Rates	Fringe Benefits	DECISION NO. / MOD. NO. / DATE	Basic Hourly Rates	Fringe Benefits
DECISION NO. PAS1-3066 MOD. NO. 10 (46 FR 52082 - October 23, 1981) Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot, in York County, Pennsylvania			DECISION NO. OR83-5100 - Model 10 (48 FR 7379 - Feb. 18, 1983) Statewide Oregon		
CHANGE: Carpenters	\$14.50	2.25	OMIT: Roofers: Area 1: (All classifications and rates)		
Elevator Constructors	15.56	3.00+ a+b	ADD: Roofers: Area 1: (All classifications and rates)		
Elevator Constructors Helpers	10.89	3.00+ a+b	Roofers: Area 1: (All classifications and rates)	\$14.90 16.39	\$2.60 2.60
Elevator Constructors Helpers (Prob.)	7.78	2.25	CHANGE: Electricians: Cable Splicers	18.80 19.55	3.50+3% 3.50+3%
Millwrights	16.57	2.25			
Marble Setters	15.10	2.02			
Plasterers	11.90	2.21			
Plumbers & Steamfitters	17.05	2.39			
Sheet metal workers	15.23	4.39			
Soft floor layers	11.94	2.25			
Terrazzo workers	13.85	2.02			
Tile Setters	13.85	2.02			

MODIFICATIONS

Basic Hourly Rates	Fringe Benefits
DECISION #W183-2068-MOD#4 (48 FR 40096-September 2, 1983) Milwaukee, Ozaukee, Waukesha and Washington Counties, Wisconsin CHANGE: Boilermakers Sheet Metal Workers Sprinkler Fitters ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental. Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).	\$17.345 3.00 15.78 17.62 3.19
DECISION #W183-2084-MOD#1 (48 FR 50001-October 26, 1983) Racine County, Wisconsin CHANGE: Boilermakers Electricians ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	17.345 3.00 17.50 3.85+ 3.48

MODIFICATIONS

Basic Hourly Rates	Fringe Benefits
DECISION #W183-2082-MOD#1 (48 FR 46923-October 14, 1983) Juneau County, Wisconsin CHANGE: Boilermakers ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	\$17.345 3.00
DECISION #W183-2061-MOD#1 (48 FR 35850-August 5, 1983) Kenosha County, Wisconsin CHANGE: Boilermakers ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	17.345 3.00
DECISION #83-2083-MOD#1 (48 FR 46926-October 14, 1983) Lacrosse, Monroe & Vernon Counties, Wisconsin CHANGE: Boilermakers Carpenters Millwrights & Pile-drivers Sheet Metal Workers ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	17.345 3.00 13.61 2.21 14.01 2.21 14.38 1.64
DECISION #W183-2078-MOD#2 (48 FR 43919-October 7, 1983) Columbia, Dane, Iowa and Sauk Counties, Wisconsin CHANGE: Boilermakers Sheet Metal Workers ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	\$17.345 3.00 17.06 2.75
DECISION #W183-2080-MOD#1 (48 FR 45921-October 7, 1983) Green and Rock Counties, Wisconsin CHANGE: Boilermakers Ironworkers Vic. of Edgerton, Milton, Pollville & Evansville ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	17.345 3.00 14.08 3.00
DECISION #W183-2081-MOD#1 (48 FR 46924-October 14, 1983) Green Lake, Marquette, Waupaca, Waushara and Winnebago Counties, Wisconsin CHANGE: Boilermakers ADD: WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.	17.345 3.00

DECISION NO.: LA84-4003

SUPRESEDEAS DECISION

STATE: Louisiana
 PARISHES: ZONE 1-Jefferson & Orleans; ZONE 2-Bossier & Caddo; ZONE 3-Calcasieu; ZONE 4-Beauregard, Cameron, & Jefferson Davis; ZONE 5-Allen; ZONE 6-Plaquemines; ZONE 7 - St. Bernard; ZONE 8-St. Charles

DECISION NO. LA84-4003

Supersedes Decision No. LA83-4076, dated October 21, 1983 in 48 FR 48902.
 DESCRIPTION OF WORK: Highway Projects (does not include building structures in rest area projects).

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS & STONEMASONS:		
ZONE 1 - GROUP 1	\$14.50	2.04
ZONE 2 - GROUP 2	12.30	1.70
ZONE 3 - GROUP 3	16.10	2.32
CARPENTERS & PILEDRIVERS:		
ZONE 1 - GROUP 1	14.51	2.60
ZONE 2 - GROUP 2	13.02	1.78
ZONE 3 - GROUP 3	15.02	1.90
ZONE 4 - GROUP 4	9.30	1.60
ZONE 5 - GROUP 5	11.42	1.60
ZONE 6 - GROUP 6	11.19	2.60
ZONE 7 - GROUP 7	12.48	2.60
CEMENT MASONS:		
ZONE 1 - GROUP 1	13.22	1.68
ZONE 2 - GROUP 2	12.65	.85
ZONE 3 - GROUP 3	15.64	
ZONE 4 - GROUP 4	8.24	
ZONE 5 - GROUP 5	10.36	
ZONE 6 - GROUP 6	10.15	1.68
ZONE 7 - GROUP 7	11.42	1.68
ELECTRICIANS:		
ZONE 1, 6, 7 & 8: Electricians	15.90	1.68 +9%
Cable Splicers	15.90	1.68 +9%
ZONE 2: Electricians	15.25	2.40 +4%
Cable Splicers	15.75	2.40 +4%
ZONE 3, 4 & 5: Electricians	17.70	2.00+ 3-5/10%
Cable Splicers	18.20	2.00+ 3-5/10%
IRONWORKERS:		
ZONE 1	14.89	2.08
ZONE 2	13.15	2.36
ZONE 3	15.74	1.62
ZONE 4	9.30	2.42
ZONE 5	11.42	2.42
ZONE 6	11.19	2.08
ZONE 7 & 8	12.48	2.08

LINE CONSTRUCTION (Cont'd)

GROUP 4 - Op. Using truck without winch

GROUP 5 - Groundmen

ZONE 2: GROUP 1 - Linemen; ops.

GROUP 2 - Cable Splicer

GROUP 3 - Groundmen

ZONE 3, 4 & 5: GROUP 1 - Linemen; ops.

GROUP 2 - Cable Splicer

GROUP 3 - Groundmen

PAINTERS: ZONES 1, 6, 7 & 8: GROUP 1 - Painters

GROUP 2 - Spray

GROUP 3 - Industrial

ZONE 2 & Allen Parish (northeast corner north of Rt. 10) - All painters

ZONES 3, 4 & 5 (Allen corner): GROUP 1 - New Work

GROUP 2 - Repaint

GROUP 3 - Bridges

PLUMBERS & PIPEFITTERS: ZONES 1, 6, 7 & 8

ZONE 3, 4 & 5

POWER EQUIPMENT OPERATORS: ZONE 1: Asphalt or overlay projects: GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

GROUP 8

GROUP 9

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

GROUP 8

GROUP 9

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

GROUP 8

GROUP 9

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

GROUP 8

GROUP 9

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

GROUP 8

GROUP 9

GROUP 1

GROUP 2

GROUP 3

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (Cont'd):		
Other Work: GROUP 1	45%JR	1.68 +9%
GROUP 2	50%JR	1.68 +9%
GROUP 3	15.25	2.40+ 3-3/4%
GROUP 4	15.75	2.40+ 3-3/4%
GROUP 5	12.65	2.40+ 3-3/4%
GROUP 6	17.70	2.00+ 3-1/10%
GROUP 7	18.20	2.00+ 3-1/10%
GROUP 8	15.70	2.00+ 3-1/10%
GROUP 9	13.235	2.115
ZONE 2 - GROUP 1	13.61	2.115
ZONE 3 - GROUP 2	15.535	2.115
ZONE 4 - GROUP 3	16.01	.55
ZONE 5 - GROUP 4	14.50	.55
ZONE 6 - GROUP 5	18.30	.55
ZONE 7 - GROUP 6	16.80	2.43
ZONE 8 - GROUP 7	15.19	3.09
ZONE 9 - GROUP 8	17.98	3.00
ZONE 10 - GROUP 9	12.98	2.50
ZONE 11 - GROUP 1	13.23	2.50
ZONE 12 - GROUP 2	12.73	2.50
ZONE 13 - GROUP 3	10.61	2.50
ZONE 14 - GROUP 4	9.55	2.50
ZONE 15 - GROUP 5	7.96	2.50
ZONE 16 - GROUP 6	10.61	2.50
ZONE 17 - GROUP 7	10.86	2.50
ZONE 18 - GROUP 8	8.21	2.50
ZONE 19 - GROUP 9	11.95	2.50
ZONE 20 - GROUP 1	11.42	2.50
ZONE 21 - GROUP 2	9.78	2.50
ZONE 22 - GROUP 3	8.66	2.50
ZONE 23 - GROUP 4	7.99	2.50
ZONE 24 - GROUP 5	9.83	2.50
ZONE 25 - GROUP 6	10.10	2.50
ZONE 26 - GROUP 7	7.66	2.50

DECISION NO.: LA84-4003

DECISION NO.: LA84-4003

POWER EQUIPMENT OPERATORS (Cont'd):		Basic Hourly Rates	Fringe Benefits
GROUP 1	Asphalt or overlay projects:	\$11.46	\$2.50
GROUP 2	GROUP 1	11.71	2.50
GROUP 3	GROUP 2	11.19	2.50
GROUP 4	GROUP 3	9.58	2.50
GROUP 5	GROUP 4	8.49	2.50
GROUP 6	GROUP 5	7.24	2.50
GROUP 7	GROUP 6	9.63	2.50
GROUP 8	GROUP 7	9.90	2.50
GROUP 9	GROUP 8	7.50	2.50
ZONE 7:	GROUP 9		
Asphalt or overlay projects:			
GROUP 1	GROUP 1	12.98	2.50
GROUP 2	GROUP 2	13.23	2.50
GROUP 3	GROUP 3	12.73	2.50
GROUP 4	GROUP 4	10.61	2.50
GROUP 5	GROUP 5	9.55	2.50
GROUP 6	GROUP 6	7.96	2.50
GROUP 7	GROUP 7	10.61	2.50
GROUP 8	GROUP 8	10.86	2.50
GROUP 9	GROUP 9	8.21	2.50
Other work:			
GROUP 1	GROUP 1	12.75	2.50
GROUP 2	GROUP 2	13.02	2.50
GROUP 3	GROUP 3	12.48	2.50
GROUP 4	GROUP 4	10.68	2.50
GROUP 5	GROUP 5	9.45	2.50
GROUP 6	GROUP 6	8.08	2.50
GROUP 7	GROUP 7	10.73	2.50
GROUP 8	GROUP 8	11.00	2.50
GROUP 9	GROUP 9	8.34	2.50
ZONE 8:			
GROUP 1	GROUP 1	12.75	2.50
GROUP 2	GROUP 2	13.02	2.50
GROUP 3	GROUP 3	12.48	2.50
GROUP 4	GROUP 4	10.68	2.50
GROUP 5	GROUP 5	9.45	2.50
GROUP 6	GROUP 6	8.08	2.50
GROUP 7	GROUP 7	10.73	2.50
GROUP 8	GROUP 8	11.00	2.50
GROUP 9	GROUP 9	8.34	2.50
SHEET METAL WORKERS:			
ZONE 1, 6, 7 & 8		15.47	3.03+38
ZONE 2		13.72	1.78+38
ZONE 3, 4 & 5		17.28	3.12+38
TRUCK DRIVERS:			
ZONE 1:			
Asphalt or overlay projects:			
GROUP 1		8.34	1.20
GROUP 2		8.47	1.20
GROUP 3		8.53	1.20

TRUCK DRIVERS (Cont'd):		Basic Hourly Rates	Fringe Benefits
ZONE 1 (Cont'd):			
GROUP 4		\$ 8.65	\$1.20
GROUP 5		8.84	1.20
Other work:			
GROUP 1		10.13	.70
GROUP 2		10.26	.70
GROUP 3		10.32	.70
GROUP 4		10.40	.70
GROUP 5		10.59	.70
ZONE 2 - GROUP 1		10.14	
GROUP 2		10.19	
GROUP 3		10.43	
GROUPS 4 & 5		11.05	
ZONE 3 - GROUP 1		11.45	.70
GROUPS 2, 3, 4 & 5		12.01	.70
ZONE 4		7.18	.70
ZONE 5 & 6		9.30	.70
ZONE 7:			
Asphalt or overlay projects:			
GROUP 1		8.34	1.20
GROUP 2		8.47	1.20
GROUP 3		8.53	1.20
GROUP 4		8.65	1.20
GROUP 5		8.84	1.20
Other work		10.36	.70
ZONE 8		10.36	.70
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.			

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Laborers, including but not limited to foundation driller & de-molishing & dismantling man
 GROUP 2 - Raker, concrete spreader, carpenter tenders, distributor man, finisher tenders, formsetter tenders, jackhammer op., jetting laborer, painter tenders, pit man, pipelayer or tile layer, power monkey tender, tamper, tree pruner, stonemason tenders, stoker, asphalt raker, concrete shovelers, power tool op. & motorized buggy op.
 GROUP 3 - Formsetter, head of master-high type pavement
 GROUP 4 - Powderman

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - 60 ton crane & over, crane with 125 ft. boom
 GROUP 2 - Crane with 175 ft. boom
 GROUP 3 - Crane all types; derricks; deck winches (2); hi-bo & similar type equipment; 3 drums (or more) stabilizers; pulls all types; concrete mixer 1 yd. & over; all pavers; ditching or trenching machines (track type); mechanics & equipment welders; well point system; hoist; 2 drums or more; hoist, 1 drum, 40 vertical ft. or more; scrapers, bulldozers, rubber-tired or track other than farmtype; motor patrol; gradall, rollers on hot mix; asphalt paving machines, front end loaders, other than farmtype, 1 cu. yd. or over; shovels & backhoes, all types & equivalent equipment; piledrivers; sideboom cats
 GROUP 4 - 2 drums & single drum stabilizers; front end loaders under 1 cu. yd.; A-frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; 2 tractor (crawler type); 1 drum hoist under 40 vertical ft.; firmen; concrete spreader; pugmill, bituminous distributor on surface treatment & equivalent equipment; bulfloats & equivalent equipment; job grease man; unit op.; work boats not requiring licensed ops.; inboard-outboard motored crew boats; concrete mixer under 1 yd.; spray curing machines; roller on subgrade; 1 air compressor over 125 cu. ft.; form graders; asphalt finisher; screed man; pump over 4"; scale op.; crusher op.; concrete jointing machines; concrete saw; tack machines & equivalent equipment; pumpcrete; electric elevator (inside); oiler-driver; farmtype rubber tired tractor, with attachment, except backhoes; kolum buff & similar equipment; fork lifts 10 ton capacity & under
 GROUP 5 - Batch plant operator
 GROUP 6 - Oiler
 GROUP 7 - Firemen
 GROUP 8 - Fireman operating steam valve
 GROUP 9 - Oiler on crane using air to drive piles

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - 1 ton & under; warehouseman, material checker, receiving clerk, spotter & dumper
 GROUP 2 - 1½ tons to & including 2 tons (exclusive of dump trucks)
 GROUP 3 - Single axle dump trucks, single axle water trucks
 GROUP 4 - Heavy equipment, tandem axle dump & tandem axle water trucks, winch lift, transit mix, floats, pole trailers, 4 axle trailers & truck mechanic
 GROUP 5 - Special equipment, euclids & 5 axle moving equipment

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)(A)).

DECISION NO. SD84-5000

SUPERSEDES DECISION

STATE: South Dakota
 COUNTY: Statewide
 DATE: Date of Publication
 Supersedes Decision No. SD81-5155 dated October 2, 1981 in 46 FR 48655
 DESCRIPTION OF WORK: Heavy and Highway Construction Projects

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS: (Cont'd)				
Concrete Paving Finishing Machine	\$8.06			
Concrete Paving Joint Machine	7.80			
Concrete Paving Joint Sealer	7.00			
Concrete Paving Saw	7.58			
Concrete Paving Spreader	8.06			
Concrete Paving Subgrader Conveyor	6.22			
Cranes, Derricks, Draglines, Piledrivers, Backhoes, and Shovels, 1½ cu. yds. or less	7.88			
Cranes, Derricks, Draglines, Piledrivers, Backhoes, and Shovels, over 1½ cu. yds.	8.66			
Crusher, including those with integral screening plant	8.16			
Curb Machine	7.00			
Fireman (Boiler and Retort)	6.70			
Front End Loader, 1½ cu. yds. or less	6.90			
Front End Loader, 1½ cu. yds. to 3¼ cu. yds.	7.58			
Front End Loader, over 3¼ cu. yds.	8.08			
Mechanic, heavy duty	8.46			
Mechanic Tender	6.90			
Mechanic, maintenance	7.58			
Motor Grader, finish	9.11			
Motor Grader, rough	7.80			
Oilier and Greaser	7.80			
Roller, self-propelled (hot mix)	7.00			

Basic Hourly Rates	H & W	Fringe Benefits Payments			Education and/or Appr. Tr.
		Pensions	Vacation		
Concrete Finisher	\$9.50				
Form Builder	8.39				
Form Builder Tender	6.86				
Form Setter	8.04				
LABORERS:					
Air Tool Operator	5.92				
Common Laborer	5.92				
Landscape Worker	5.92				
Manhole Builder	7.48				
Piledriver (Leadman)	7.28				
Pipelayer (other than Culvert)	7.28				
Powderman (Blaster)	8.46				
PAINTERS					
	7.28				
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	8.77				
Asphalt Paving Machine	7.88				
Asphalt Paving Machine Tender	6.02				
Asphalt Plant Tender	6.66				
Asphalt Plant, stationary and traveling	8.46				
Auger Operator (truck type)	6.66				
Automatic Fine Grader Operator	8.06				
Broom (self-propelled)	6.66				
Bulldozer, 20 HP or less	7.18				
Bulldozer, over 20 HP	8.16				
Bulldozer, over 80 HP	7.58				
Bulldozer Machine	8.16				
Concrete Batch Plant	8.16				
Concrete Mixer	6.90				
Concrete Paver	8.46				
Concrete Paving Cure Machine	7.00				
Concrete Paving Form Grader	8.06				

DECISION NO. SDS4-5000

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
Line Construction: Linemen; Cable Splicers	\$15.50	7½% \$1.654		
Linemen Equipment Operators	13.95	7½% 1.654		
Groundman	8.93	7½% 1.654		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION NO. SDS4-5000

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Fr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS: (Cont'd)					
Roller, self-propelled (other)	\$6.68				
Roller, Sheepfoot or 50 ton, pneumatic	7.00				
Scrapers	8.94				
Spreader (materials)	7.58				
Stationary Plant	7.58				
Tractor (Crawler or Pneumatic)	7.00				
Tractor (farm type with attachments including Loader)	7.17				
Tractor, Pusher	8.16				
Traveling Plant (Stabilization)	7.88				
Traveling Plant Tender	6.02				
Trenching Machine	7.58				
Wagon Drill, including Airtac, Trac-drill, etc.	7.58				
TRUCK DRIVERS:					
Euclid or Dumptor	7.00				
Truck Cranes	6.48				
Truck, single axle	6.79				
Truck, Tandem or Semi-trailer	6.38				

WELDERS receive rate for craft to which the welding is incidental.

DECISION NO. TX84-4002

SUPERSEDES DECISION

STATE: Texas
 COUNTY: Lubbock
 DATE: Date of Publication
 1/7/83, in 48 FR 934.
 SUPERSEDES DECISION NO. TX83-4005, dated 1/7/83, in 48 FR 934.
 DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oilier-Fireman
 Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form
 Mixers; Hoist, Single Drum; Ford Tractor including blade and mower on rear;
 Mixers less than 14 cu. ft.; Screening Plants; Crushing Plants; Fork Lifts
 (short, under 25 ft.); Concrete Pumps (all types); Bobcat type equipment;
 Ford tractor or like with any attachments (except blade and mower on rear);
 GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two
 drums or more; Fork Lifts (over 25 ft.); Winch Truck; Six Wheel Truck, when
 used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cu. ft. or
 over; Blade Graders, self-propelled; Cableways; Cranes - power operated (to
 100 ft. of boom); Derricks, power operated, all types; Gradall; Hy-Ho;
 Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over
 14 cu. ft.; Bulldozers, Loaders, Tractorvators; Scrapers and Pulls; Welders;
 Trenching Machines; Roller, ten tons or over; Air Compressors and Pumps; Welding
 Machines and Light Plants (7 to 12 machines); Air Compressors & Air Tugger;
 Boilers, two or more fired by one man; Heavy Duty Mechanic

Basic Hourly Rates	Fringe Benefits	LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits
\$16.00	2.37	Linemen	\$14.85	.80+
16.40	2.645	Operators	80%JR	3-1/10%
13.67	.33	Groundmen	55%JR	"
12.60	2.13	Truck drivers	70%JR	"
8.15		PAINTERS:		
14.85	.80+	Brush	10.45	
3-1/10%	"	Spray, sandblasters	11.20	
15.10		PLUMBERS & STEAMFITTERS	14.30	1.59
		ROOFERS	7.00	
12.50	2.95	SHEET METAL WORKERS	15.20	1.84+
		POWER EQUIPMENT OPERATOR:		3%
12.625	2.95	GROUP 1	12.325	1.425
		GROUP 2	13.225	1.425
		GROUP 3	13.625	1.425
		TRUCK DRIVERS	7.78	.70
		WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
7.76	.85	Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)(A)).		
		GROUP 3 - Mortar mixers, mason tenders, cement finisher tender	8.03	.85
		GROUP 4 - Wagon drill	7.96	.85
		GROUP 5 - Blasters & powderman	8.11	.85
			8.36	.85

[FR Doc. 84-2061 Filed 1-26-84; 8:45 am]

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Federal Register

Friday
January 27, 1984

Part III

Federal Emergency Management Agency

**Federal Radiological Emergency
Response Plan (FRERP); Publication for
Public Review, Comment, and as the
Basis for a Large-Scale Field Exercise;
Notice**

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Radiological Emergency Response Plan (FRERP); Publication for Public Review, Comment, and as the Basis for a Large-Scale Field Exercise

AGENCY: Federal Emergency
Management Agency.

ACTION: Notice.

SUMMARY: The current plan for a significant Federal response to an accident at a commercial nuclear power plant is the National Radiological Emergency Preparedness/Response Plan for Commercial Nuclear Power Plant Accidents (Master Plan). The Master Plan was published December 23, 1980, in response to the Three Mile Island emergency. The Master Plan does not address other types of radiological emergencies.

In order to consolidate the Federal response to a wide range of potential radiological emergencies, the Federal Emergency Management Agency has coordinated a Federal interagency effort to develop the Federal Radiological Emergency Response Plan (FRERP), which is an expansion of the Master Plan, broadening its scope to include all types of civil radiological emergencies that might require a significant Federal response in support of State and local governments.

The draft FRERP is hereby published for public review and comment and to serve as the basis for a large-scale field exercise to be held in March 1984, to test the operational concepts of the draft FRERP. The test of the draft FRERP will evaluate the effectiveness in coordinating the Federal agencies' responses to this simulated emergency. Lessons learned from the exercise, together with comments submitted during the comment period, will be considered in producing the final FRERP. This Plan will then be published in the *Federal Register* and will supersede the Master Plan.

When published in its final form, the FRERP will become the single Federal plan for coordinating the Federal response to any civil radiological emergency requiring a significant Federal response. The FRERP is intended to facilitate and clarify the Federal role and mechanisms for providing support to State and local governments in a major radiological emergency, if Federal support is required.

The FRERP has been developed as a cooperative effort of the 12 Federal agencies represented on the

Subcommittee on Federal Response of the Federal Radiological Preparedness Coordinating Committee (FRPCC). This Subcommittee has responsibility for coordinating Federal interagency emergency planning activities for any type of civil radiological emergency.

The FRERP outlines in detail the individual authorities and responsibilities of each of the 12 Federal agencies that have authorities and/or resources appropriate to a Federal response to a radiological emergency. Each of these agencies is now preparing, or has prepared, response plans to carry out their roles under the FRERP. As stated, Part I of the FRERP is hereby published for public review, comment, and as the basis for a large-scale field exercise of the Plan. Part II, the individual agency plans, will not be included in this printing. However, a summary of the basic provisions of each of those plans is included in Part I.

DATES: Comments on this draft Plan should reach FEMA by March 30, 1984, and will be considered in the publication of the FRERP later in 1984.

ADDRESS: Send comments to Docket Clerk, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Mr. Vernon Adler, Chief, Federal Response Planning and Exercise Branch, Disaster Assistance Programs, State and Local Programs and Support Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472, telephone 202-287-0508.

SUPPLEMENTARY INFORMATION: Under the provisions of Executive Order 12148 (July 20, 1979), the Director, FEMA, is responsible for establishing Federal policies for, and coordinating, all civil emergency planning, management, mitigation, and assistance functions of executive agencies. Under this mandate, FEMA has assumed the responsibility for coordinating the development of the Federal Radiological Emergency Response Plan.

Pub. L. 96-295, Section 304 (June 30, 1980) requires that the President prepare and publish a National Contingency Plan which provides for an expeditious, efficient, and coordinated Federal response to an accident at a commercial nuclear power plant. Executive Order 12241 (September 29, 1980) delegated this responsibility to the Director, FEMA. This publication of the draft FRERP is a necessary step in the FRERP completion process. When the Plan is completed and approved for publication, such publication will fulfill the requirements of Pub. L. 96-295 and E.O. 12241.

While the Federal Radiological Emergency Response Plan is the result of an intensive interagency effort involving each agency with responsibilities under the Plan, this cooperative effort does not constitute approval by the agencies involved. FEMA is initiating this approval process with the publication of this Notice and will be pursuing this process through the Subcommittee on Federal Response in order that the Plan may be published as a final document during 1984.

Dated: January 27, 1984.

Samuel W. Speck,

*Associate Director, State and Local Programs
and Support Directorate.*

The Federal Radiological Emergency Response Plan

Part I (Pre-Exercise Publication)

January 1984.

(Prepared by the Federal Emergency Management Agency and the other Agencies on the Subcommittee on Federal Response of the Federal Radiological Preparedness Coordinating Committee)

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I. Introduction and Background

A. Purpose

The Federal Radiological Emergency Response Plan (FRERP) is to be used by Federal agencies in peacetime radiological emergencies. It primarily concerns the offsite Federal response in support of State and local governments. The FRERP: (1) Provides the Federal government's concept of operations for responding to radiological emergencies; (2) outlines Federal policies and assumptions that underlie this concept of operations and on which Federal agency response plans were developed (in addition to their agency-specific policies); and (3) specifies authorities and responsibilities of each Federal agency¹ likely to have a significant role in such emergencies. The FRERP includes the Federal Radiological Monitoring and Assessment Plan (FRMAP) for use by Federal agencies with radiological monitoring and assessment capabilities.

Part I of the FRERP also includes executive summaries of Federal agency response plans. Part II, to be maintained by FEMA, provides complete Federal agency response plans. The FRERP will evolve continuously as Federal agencies gain experience from conducting exercises or responding to actual radiological emergencies.

B. Scope

The FRERP covers any radiological emergency that could require a significant response by several Federal agencies. Specifically, emergencies occurring at fixed nuclear facilities or during the transportation of radioactive materials (including nuclear weapons) may fall within the scope of the plan regardless of whether the facility or transportation carrier is publicly or privately owned, Federally regulated, or regulated by an Agreement State.² Emergencies occurring at unregulated facilities and carriers may also fall within the scope of this plan if they involve real or potential radiological consequences off site. The time period during which the FRERP is in effect encompasses the Federal response from initial notification of the Federal agencies through the development of a plan of action, when necessary, for helping the State and local governments

to recover from the emergency and deactivation of Federal response.

This plan applies to emergencies resulting from the following types of incidents:

- Fixed Nuclear Facility Incidents;
- Transportation Incidents; and
- Other Incidents, e.g., nuclear-powered satellite re-entry.

Sabotage and terrorism are not treated as separate categories of incidents; rather, they are considered a complicating dimension of the incident types listed above. The Atomic Energy Act directs the Federal Bureau of Investigation to investigate all alleged or suspected criminal violations of the Act. The Attorney General, operating through the FBI and other appropriate personnel in the Department of Justice or in other Executive Departments, has the authority to investigate any alleged or suspected weapon, device, or material and for restoring nuclear facilities to their rightful custodians, just as they are responsible for locating and neutralizing conventional weapons such as handguns, rifles, high explosives, etc., involved in Federal criminal offenses.

In view of the FBI's unique responsibilities under The Atomic Energy Act, as affected by The Energy Reorganization Act, it is realistic to expect the Cognizant Federal Agency (CFA)³—DOE, NCR or DOD—to assist the FBI in locating and subsequently neutralizing any nuclear weapon or device of unauthorized origin. The FBI will direct all law enforcement aspects related to acts of sabotage and terrorism, with assistance as required from State and local law enforcement agencies. The FBI also will interface with the CFA as needed in responding to such acts. When it is not obvious which Federal agency is the CFA, FEMA will act as the CFA while consulting with other Federal agencies with the appropriate technical expertise to assume the CFA role.

Another aspect of the scope of the FRERP concerns the location of response to the emergency. The FRERP is concerned primarily with Federal support to State and local governments of the site of the emergency, i.e., "off site." For emergencies occurring at fixed nuclear facilities, "off site" generally refers to the area beyond the facility boundary. For other types of emergencies, e.g., transportation, "off site" is defined at the time of the emergency. Offsite support refers to

Federal assistance in mitigating the hazards beyond the immediate area associated with the emergency, and in determining and implementing measures to protect the public.

The Federal government can also provide assistance on the site of the emergency, i.e., "on site." The "onsite" Federal support is the primary responsibility of the CFA, which can support State and local efforts by helping the owner or operator of the affected facility or carrier to bring the emergency under control, thereby minimizing offsite consequences.

The plan is designed to accommodate both present, and future, fixed and mobile facilities involving nuclear materials. However, the Federal response to different types of radiological emergencies under the FRERP may differ somewhat because of the type or amount of radioactive material that may be released, the size of the affected area, or the time available to determine and implement public protective actions.

C. Authorities

The following list includes the authorities for the response of most Federal agencies participating in this plan:

- *The Atomic Energy Act of 1954, as amended, Pub. L. 83-703.* This Act declares that the use of nuclear materials must be regulated in the national interest in order to provide for the common defense and security, and to protect the health and safety of the public.
- *Executive Order 11490, October 28, 1969, as amended.* This Executive Order assigns emergency national planning and preparedness functions to several departments and agencies of the Federal government that complement the military readiness planning responsibilities of DOD. The order consolidates assignments of emergency preparedness functions previously contained in 21 Executive Orders and two defense mobilization orders, and assigns them to various departments and agencies.
- *Executive Order 12148, July 20, 1979.* This Executive Order assigns the Director, FEMA, the responsibility for establishing Federal policies for, and coordinating, all civil defense and civil emergency planning, management, mitigation, and assistance functions of executive agencies.
- *Nuclear Regulatory Commission Appropriation Authorization, Pub. L. 96-295, June 30, 1980, Sec. 304.* This authorization requires the President to

¹ The terms "Federal agency" and "Federal department" are used interchangeably throughout this document.

² Under the *Atomic Energy of 1954* (subsection 274.b.), the NRC has relinquished to certain States its regulatory authority for licensing the use of source, byproduct, and small quantities of special nuclear material.

³ A Cognizant Federal Agency is the Federal agency that owns, authorizes, or regulates the facility, carrier, or cargo (including nuclear weapons), containing the radioactive materials causing the emergency.

prepare and publish a National Contingency Plan to provide for expeditious, efficient, and coordinated action by appropriate Federal agencies to protect the public health and safety in case of accidents at commercial nuclear power plants.

- *Executive Order 12241, September 29, 1980.* This Executive Order delegates to the Director, FEMA, the responsibility for publishing the National Contingency Plan for accidents at nuclear power facilities and requires that it be published from time to time in the *Federal Register*.
- *44 CFR Part 351, March 11, 1982.* This regulation establishes the Federal Radiological Preparedness Coordinating Committee, the parent of the Subcommittee on Federal Response that has developed this plan. It also assigns responsibility to the Department of Energy for the development of the Federal Radiological Monitoring and Assessment Plan.

D. Planning Assumptions and Federal Policies

The following broad assumptions and policies have been used to prepare Part I of this plan and to develop the individual agency response plans and procedures contained in Part II.

1. Public and Private Sector Response Roles

The owner or operator of the affected facility or the carrier of the radioactive material has primary responsibility on site for minimizing the radiological hazards to the public. State and local governments have the primary responsibility off site for implementing measures to protect life, property, and the environment. During an emergency, appropriate Federal resources may be used to support State and local governments' response measure, if requested. Federal agency response plans recognize the primacy of the response roles of owners or operators and State and local agencies.

If the owner or operator of a nuclear activity is licensed or regulated by the State and local government in an "Agreement State," the State or local government would provide onsite monitoring, evaluation, and advice. However, the Federal government will provide any appropriate support requested by the State or local government.

The offsite Federal response role is to respond to requests for assistance from State or local governments or otherwise respond to fulfill statutory responsibilities of the Federal government.

The Federal government has an onsite response role when there exists a Cognizant Federal agency, i.e., when a Federal agency owns, authorizes, or regulates a radiological activity. That agency is primarily responsible for monitoring the owner or operator's activities and for providing needed assistance. For example, in the case of an emergency at a licensed commercial nuclear power plant, the Nuclear Regulatory Commission monitors the situation, evaluates licensee actions, and advises the licensee, as appropriate, on the licensee's efforts to bring the reactor into a stable condition and minimize the offsite radiological consequences.

Volunteer and private relief organizations, such as the American Red Cross and the Salvation Army, may assist State, local, and Federal governments in carrying out some of their responsibilities.

2. Federal Agency Authorities

Notwithstanding the primacy of the State for protecting public health and safety off site, many Federal agencies have statutory or other authorities for responding directly to certain situations affecting public health and safety. This plan cites those relevant existing legislative and executive authorities and provides a framework for coordinating Federal actions within those authorities. No new authorities are provided by this plan.

3. Basis for a Federal Response

The Federal government will respond when: (1) A State or other governmental or regulated entity requests Federal support, or (2) Federal agencies must respond to meet their statutory responsibilities, e.g., when an emergency significantly affects Federal functions, property, or resources. Any Federal response will be closely coordinated with the State and local governments concerned.

4. Federal Agency Resource Commitments

Agencies committing resources under this plan do so with the understanding that a short-term or long-term commitment of those resources may be required, depending on the nature and extent of the emergency.

5. Protocol for Federal Assistance Requests by Owners or Operators

The owner or operator of an activity, either private or authorized or regulated by the Federal government, can ask for assistance directly from the appropriate Federal agency. Such requests may be for radiological monitoring, specialized

assistance, or both. The affected State and local governments will be informed when such assistance is requested.

6. Coordination of State and Local Assistance Requests

FEMA will designate and deploy a Senior FEMA Official (SFO) to provide a single point of contact, as required, for State and local assistance requests. However, State and local government requests for assistance can be made directly to individual Federal agencies. Where State and local authorities are unable to obtain the required assistance, they should direct requests for offsite Federal assistance to the SFO, or, in the absence of such a designated official, to the appropriate FEMA regional office.

The Governor of the affected State will be advised of the designation of the SFO and will be asked to designate a State Coordinating Officer (SCO) as the principal point of State contact. The SFO will promote effective operating relationships among Federal, State, local, volunteer, and private agencies.

7. Federal and State Communications

Detecting problems and coordinating their solutions require a continuous flow of information among Federal and State agencies throughout an emergency. This plan makes no attempt to restrict this flow. However, for the SFO to coordinate response actions and maintain the most current information, Federal agencies need to keep the SFO informed of their major response efforts, and activities that might impinge on the actions of other agencies.

8. Federal Referrals of State and Local Assistance Requests

State and local authorities will be encouraged to operate through their SCO. Nevertheless, some State and local authorities may contact Federal agencies directly. Accordingly, to facilitate such contact, Federal agency response plans and procedures have:

a. Described the individual agencies' responsibilities in support of the State. This will help States to determine the most appropriate Federal agency to contact for the required assistance. Particular emphasis has been given to describing responsibilities that are closely related to those of other agencies.

b. Provided for referral of inquiries falling within another agency's area of responsibility to the appropriate agency as promptly as possible. Whenever a question exists as to the appropriate agency for referral, agencies should direct the referral to the SFO.

9. Coordination Among Federal Agencies

The SFO promotes coordination among Federal agencies to minimize duplication of Federal efforts, avoid inconsistent and incomplete actions, and provide for maximum use of available Federal resources. In addition, Federal agencies are encouraged to communicate freely and interact directly with other Federal agencies. The exchange and use of liaison representatives among agencies can facilitate this interaction and communication.

10. Public Information Coordination

Public information on the consequences of an emergency must be accurate, timely, and easily understood. Public information must be closely coordinated with State and local officials and disseminated to the public from official government sources. State officials are responsible for keeping their populace adequately informed. Since the Federal government's role is to help the State, the public information offices of the responding Federal agencies will, if requested, help State information offices prepare news releases and hold press conferences about the health and safety of the public.

When a multi-agency Federal response to an emergency occurs, all Federal public information releases will be coordinated through interagency public information organizations as described in Section II. However, when the Federal response is limited and there is no requirement for an interagency public information organization, public information will be handled solely by the CFA, State, and local officials.

Close working relationships among the public information offices of Federal agencies, their State and local counterparts, and the owner or operator are essential. The Federal government will coordinate with, and obtain concurrence as necessary from, the appropriate State and local officials on any statements to the public that bear on the responsibility of the State.

II. Concept of Operations

A. Response Overview and Summary

The Federal response to a request for radiological assistance can be divided into six major components that may involve as many as three lead Federal agencies at any one time. These components are summarized in Table II-1. As one of the agencies, FEMA is responsible for promoting coordination among the lead Federal agencies in support of State and local government

efforts.

TABLE II-1: RESPONSE OVERVIEW

Response component	Lead Federal agency
(1) Conduct onsite actions to support the owner or operator: Monitor, evaluate; advise assistance, if required.	CFA.
(2) Coordinate offsite radiological monitoring and assessment. Initial response..... Intermediate and long-term response.	DOE EPA.
(3) Develop or evaluate recommendations for public protective action measures off site.	CFA.
(4) Present recommendations for public protective action measures off site.	CFA, in coordination with the FEMA whenever possible.
(5) Promote coordination of Federal assistance to State and local governments, including implementation of public protective action measures off site, if required.	FEMA.
(6) Coordinate release of information to the public and to Congress.	CFA, in coordination with FEMA.

The CFA, FEMA, and DOE or EPA each has a specific coordination function in relation to the State and the owner or operator of the radiological activity. Other Federal officials may arrive on the scene prior to the arrival of the CFA, FEMA, and DOE/EPA and may act under their own authorities to fulfill their responsibilities. During that brief period, those agencies will coordinate their activities among themselves and with the CFA, FEMA, and DOE as soon as they arrive about the status of ongoing response efforts. The CFA, FEMA, and DOE/EPA personnel on the scene will then provide their counterparts at their regional or headquarters offices all relevant information available from the scene.

The Department of Energy, during the initial phases of the emergency, and the EPA thereafter, will work with State and local radiological health agencies to help coordinate radiological offsite monitoring and assessment activities. DOE or EPA will make assessments of monitoring data and present them to the CFA and appropriate State and Federal agencies. The CFA will use this information, together with its assessment of the current condition and prognosis of the emergency on site, to develop or evaluate public protective action recommendations.

Federal departments and agencies that have day-to-day contacts with State counterparts will continue to use these contacts during an emergency. THE SFO will be informed of the contacts that may impinge on the actions of other Federal agencies. The Department of Health and Human Services (HHS), EPA, DOE, and the U.S. Department of Agriculture (USDA), in coordination

with the appropriate State agencies, will provide advice to the CFA, if requested, concerning possible public health impacts and associated protective measures for mitigating them. The CFA will use this advice, as required, to develop a coordinated Federal position on recommendations for public protective action, when requested to do so.

The SFO is responsible for promoting the coordination of the actions of the Federal departments and agencies. The SFO will help to facilitate effective communications among the Federal respondents. The SFO will also coordinate between Federal agencies and the SCO. Finally, through the CFA, the SFO will remain informed of onsite conditions that could have an offsite impact. The SFO's overall coordination function is not intended to replace or supplant existing liaison and communication between Federal departments and agencies and their State counterparts. Rather, the SFO's coordination role is to maintain an overview of Federal actions to help Federal agencies avoid unnecessary duplication or omission of important actions. If Federal agencies need assistance in exchanging information, or in acquiring or releasing public information, the SFO and his staff will help the agencies accomplish these tasks.

The CFA, in conjunction with the SFO whenever possible, will present any Federal recommendations to the State or other appropriate offsite authority responsible for implementing protective actions. In the case of a fixed nuclear facility licensed by the NRC, the licensee is responsible for developing appropriate protective action recommendations and providing those recommendations to State and local authorities. NRC, in the role of CFA, will evaluate the licensee's protective action recommendations and either concur in them or suggest modifications, as appropriate. The SFO is then responsible for promoting coordination among Federal agencies providing assistance to the State in implementing those recommendations if such assistance is requested by the State.

B. General Scheme for Notification, Activation, Recovery Assistance, and Deactivation

FEMA and each CFA will follow a pre-established system for notifying all appropriate Federal agencies.

1. Notification

The owner or operator of the affected facility, carrier, or cargo, (including

nuclear weapons), as the first to become aware of a radiological emergency, is responsible for notifying the appropriate State and Federal authorities.

Some owners or operators use an emergency classification scheme to denote the severity of an incident. These schemes are used by the CFAs to initiate intra-agency notifications and responses. The specific classification scheme to be used with the owner or operator varies with the CFA. For example, in the case of an incident at a commercial nuclear power plant, when the utility notifies the NRC (as CFA), the utility will categorize the incident as: (1) a Notification of an Unusual Event; (2) Alert; (3) Site Area Emergency; or (4) General Emergency. If the CFA uses the owner or operator's classification scheme in its notification to other Federal agencies, the CFA is responsible for explaining the general and incident-specific meanings of those classifications.

Subsequent to its receipt of a notification of an incident, the CFA will notify FEMA headquarters in Washington, D.C. by contacting the FEMA Emergency Information and Coordination Center (EICC) at (202) 634-7800. CFAs maintain similar emergency operation centers at their headquarters, regional, or field offices.

A notification to FEMA should include a description of the emergency situation that is sufficient for FEMA to carry out its further notification and response duties. The CFA will provide FEMA with a general assessment of the emergency including location and nature of the accident, sufficient details to describe the severity of the problem (if known), a description of the CFA's response, and any follow-on actions anticipated by the CFA.

FEMA and CFA will then notify other appropriate Federal agencies of the emergency in accordance with their notification procedures, pre-established interagency agreements, or interagency operational response procedures. For example, in those cases where Federal lands could be affected, procedures will provide for notifying the Federal agency with jurisdiction. The notifications will incorporate relevant information exchanged between the CFA and FEMA. Individual agencies will then determine their initial response actions, if any, and determine their specific requirements for subsequent information, when those requirements have not been predefined with the CFA or FEMA.

DOE will notify Federal agencies with FRMAP responsibilities in accordance with agree-upon procedures. Federal agencies that can provide radiological assistance may respond

upon receiving a direct request for assistance from the State or owner or operator. Federal agencies so contacted will inform the DOE of the arrival of their response team at the scene.

2. Activation

Upon receipt of notification, each agency will assess the need to initiate its response. The response decision will be based on the situation reported and may consist of several steps:

- Activation of appropriate Federal agency response components;
- Activation of agency emergency response teams and their deployment to the scene; and
- Establishment of bases of operation at the scene of the emergency from which to carry out a coordinated Federal response.

A full-scale Federal response begins with the execution of the notification scheme and includes all the above three steps. Since many emergencies will not require a full-scale response, however, the Federal response might reach only the first or second step. When the second or third step is reached an SFO deploys and establishes an offsite base of operation for coordinating the Federal response, i.e., a Federal Response Center (FRC).

As soon as a FEMA Emergency Support Team is activated at headquarters, FEMA assumes responsibility for coordinating the Federal response.

Each Federal agency will decide whether and to what degree to activate its response according to its internal agency procedures and consistent with its responsibilities and role in the overall Federal response. For example, agency responses under FRMAP can be activated without requiring responses by other agencies participating in the FRERP. Once a decision has been made to activate, a Federal agency is encouraged to communicate and interact directly with its counterparts in other Federal and State agencies, recognizing that State agencies will respond first and must be free to communicate with State officials.

If an agency decides to initiate its response, that decision will be communicated to FEMA and will include: (1) The name and location of the lead agency official if one is designated; (2) the telephone number at which he/she can be contacted at headquarters or at the scene; (3) if appropriate, the primary official to deploy to the scene and his/her estimated time of arrival at the emergency site; and (4) intended location at the scene. Similarly, FEMA

will provide each Federal agency with the same information when FEMA designates its SFO.

Because of its singular responsibility for Federal support on site, the CFA will determine and implement an efficient means for coordinating Federal support on site with Federal response activities off site. In particular, CFA coordination procedures will be implemented. These procedures concern the coordination of the CFA's activities with those Federal agencies with which it has an interface responsibility off site.

a. Deployment of Emergency Response Teams

Agency plans and procedures describe response team deployment and establishment of bases of operations at the scene. Ideally, the SFO and staff, other Federal agency response teams, and State agency representatives would be co-located at the scene, but many State plans do not reflect this concept. Accordingly, FEMA and CFA site-specific emergency plans and procedures should be flexible enough to accommodate State operations. Some Federal agencies may immediately deploy their teams to the scene of the emergency to fulfill statutory authorities and responsibilities. This plan is not intended to restrict such activities; however, when the SFO arrives at the scene, the agencies that have already responded will inform the SFO of the offsite actions they have taken.

b. SFO Designation and Deployment

Upon activation, FEMA may deploy an Emergency Response Team (ERT) headed by an SFO and composed of one staff component from the appropriate FEMA region and another staff component from FEMA headquarters. The SFO, once at the scene, will be supported by an Emergency Support Team at FEMA headquarters as well as by the ERT staff accompanying him/her. Prior to this deployment, the FEMA region will inform the State of the planned FEMA response. FEMA will also advise the CFA of these actions.

Upon arrival at the scene, the SFO, or the Deputy SFO (DSFO) if the SFO so authorizes, will establish an offsite base of operations, i.e., the Federal Response Center, for promoting coordination of the Federal response. The Deputy SFO, who leads the regional component, is likely to arrive at the scene prior to the arrival of the headquarters component and may have initial responsibility for establishing and operating the FRC until the SFO arrives. The SFO will inform other Federal agencies at the emergency scene of the establishment of the FRC

and request that they provide representation to it. The SFO will establish communications with the CFA to determine the status of onsite Federal response efforts. Other Federal agencies that have responded will inform the SFO and the CFA of their response efforts as soon as communications have been established.

Once the FRC has been established at the scene, the SFO assumes responsibility from FEMA headquarters for promoting the coordination of the Federal response at the scene. The SFO and the Cognizant Federal Agency Officer (CFAO) at the scene will work together closely to ensure that each has an accurate understanding of the situation throughout the emergency.

3. Recovery Assistance and Response Deactivation

Prior to the deactivation of the Federal response, the Federal government will assist the State, as requested, in developing an offsite recovery and restoration plan. The CFAO, in coordination with the SFO and other Federal agencies, as appropriate, will recommend in the plan those recovery actions to be taken once the immediate public health and safety and property protecting actions have been accomplished. More specifically, the plan may include actions necessary for decontamination and clean-up, offsite restoration, population re-entry, provision of hardship assistance, and any other long-term recovery actions. In short, the plan describes all actions necessary to restore the affected area to its pre-emergency condition, wherever practical. The offsite recovery and restoration plan will also identify the roles, if any, of the CFA, FEMA, and other Federal agencies in helping the State and owner or operator to implement the plan.

Each agency will discontinue response operations upon request by the State or when its statutory responsibilities have been fulfilled. Agency response deactivation will be carried out in coordination with the CFA and FEMA.

C. General Response Roles of Principal Agencies and Officials

General responses roles are those that independent of the cause, type, or location of the radiological emergency.

1. Role of the Cognizant Federal Agency

The CFA is the Federal agency that owns, authorizes, or regulates the facility, carrier or cargo (including nuclear weapons), containing the radioactive materials causing the emergency. When it is necessary for the

CFA to deploy to the site, the CFA's role is to manage all Federal actions onsite, develop or evaluate protective action and re-entry recommendations, and help to implement those actions if requested by State and if the CFA's resources permit.

Consistent with this role, the CFA has four general responsibilities:

- Receive notification of the emergency, initiate the CFA response, and notify appropriate Federal, State, and local agencies;
- Manage Federal response actions on site and coordinate these actions, as necessary, with the SFO and monitoring activities off site;
- Assess owner or operator, State, or locally recommended protective action measures and/or develop Federal recommendations for protective action and re-entry; help State and local authorities as resources permit; and
- Serve as the primary Federal source for information of a technical nature regarding the onsite emergency conditions and the potential or real offsite radiological effects.

Each of these responsibilities is outlined in more detail below:

a. Receive Notification of the Emergency, Initiate the CFA Response, and Notify Appropriate Federal Agencies

(1) Receive notification of the emergency from the owner or operator of the affected facility, carrier, or cargo and determine the emergency classification of significance of the emergency and the appropriate CFA response to it.

(2) Notify FEMA and DOE of the emergency; include in the notification the CFA's activation mode and actions, a general assessment of the emergency, and any necessary background information.

(3) Deploy a CFA team to the site, when appropriate.

b. Manage Federal Response Actions On Site

(1) Designate a lead CFAO at the site of the emergency who will coordinate with the SFO, as necessary, any onsite Federal actions that may have significant impacts off site.

(2) Establish appropriate bases of operation to oversee the onsite response, monitor owner or operator activities, provide technical support to the owner or operator if requested, and serve as the principal source of information about onsite conditions for the Federal government.

(3) Manage the onsite Federal response to the emergency, including an assessment of the conditions on site and the means for mitigating their consequences off site.

(4) Keep other agencies informed of conditions and Federal actions on site.

c. Protective Action and Re-entry Recommendations

One of the primary areas where the Federal government can assist State and local governments is in assessing protective action and re-entry recommendations (PARs) developed by the owner or operator, State, and local authorities. In some cases the CFA may develop Federal PARs independently. For example, when the owner or operator is organizationally a part of or is authorized by the CFA, the CFA may develop PARs independently. In providing an assessment or developing a Federal recommendation, the CFA will use, to the extent practicable, appropriate advice and input from other Federal agencies with technical expertise on those matters FEMA, upon request, will assist the CFA as required in its evaluation or development of protective action and re-entry recommendations. Agencies with potential input to the evaluation or development of PARs will use the operational procedures they have developed with CFAs to provide such input.

Similarly, whenever possible, the CFA will coordinate its presentation of comments on PARs with FEMA either prior to, or at the time of, their presentation to the State or other offsite authorities. When imminent peril threatens the public health and safety, the CFA will present comments on PARs directly to the State or other offsite authorities without having to coordinate with any other Federal agency. More specifically, the CFA's responsibilities related to PAR development, and presentation are:

(1) Serve, as required, as a point of contact for State and local government technical impact information and other technical assistance requests.

(2) Provide staff liaison representatives to State authorities and the SFO, if requested, to help interpret the technical aspects of the emergency on site and its potential or real offsite radiological consequences.

(3) Work with DOE in its efforts to provide offsite monitoring data and assessments to appropriate State and Federal agencies.

(4) Prepare a coordinated Federal position on protective action and re-entry recommendations whenever

possible. Consult with HHS, DOE, EPA, USDA, and other Federal agencies as required.

(5) When appropriate, present the Federal assessment or recommendations, in conjunction with the SFO, to the State or other offsite authorities.

(6) Help State and local government agencies implement protective actions, as required, when the CFA has available resources to help provide the needed assistance.

d. Serve as the Primary Source for Technical Information Regarding the Emergency Conditions On Site and the Potential or Real Offsite Radiological Effects

(1) Make an initial report to the White House Situation Room covering, if possible, the condition of the affected facility, carrier, or cargo and the actual or potential offsite radiological impact. In coordination with FEMA, keep the White House informed of onsite conditions and actual or potential offsite radiological impacts.

(2) Review and concur in the release of all Federally generated information related to the onsite conditions and remain informed of all information related to offsite radiological effects. Where possible, the CFA should review Federally provided offsite radiological data before release.

(3) Assist the State Public Information Officer in developing coordinated public information releases.

(4) Protect national security by classifying sensitive technical information in a nuclear weapon accident or weapon-significant incident.

2. Role of the Federal Emergency Management Agency

FEMA's primary responsibilities in the Federal response are to notify participating Federal agencies⁴ of the emergency and to serve as a focal point for coordinating Federal response activities at the national level. The Director of FEMA will designate and deploy the SFO for coordinating Federal response activities at the scene of the emergency.

a. Emergency Support Team Role

Through its Emergency Support Team at headquarters, FEMA will:

(1) Notify participating agencies of the emergency situation and supply information they need to take appropriate actions.

(2) Coordinate Federal response activities at the national level.

⁴ Except the CFA (which is notified directly by the owner or operator) and DOE (which is notified by the CFA or the owner or operator or the State).

(3) Receive information at the Emergency Information and Coordination Center (EICC) from the CFA and other public and private organizations about the impact of the emergency and the organizations' response.

(4) Prepare periodic reports on the Federal response for the White House.

(5) Provide staff support and other resources to the SFO as required.

b. Emergency Response Team Role

At the scene of the emergency, the FEMA response is carried out through its Emergency Response Team, headed by the SFO. The SFO coordinates Federal activities with State offsite activities and promotes the coordination of Federal actions, information, and recommendations. Free interaction among Federal, State, and local agencies is encouraged. The SFO can facilitate information flow among all response elements and help to direct Federal resources to the appropriate State and local government agencies. The SFO will not intervene in the relationships and communications channels that already exist between Federal and State agencies; rather, the SFO provides an additional means for facilitating Federal-State interactions.

The SFO has three major responsibilities:

- Promote coordination among Federal agencies and their interactions with the State, including, in conjunction with the CFA, the provision of Federally developed or evaluated protective action recommendations to the State or other appropriate offsite authorities responsible for implementing public protective actions.
- Coordinate offsite activities with onsite response activities of the Federal agencies; and
- Serve as an information source on the status of the overall Federal response effort. (The public information function is described in Section D.)

Each of these responsibilities is outlined below:

(a) Promote Coordination among Federal Agencies and Their Interactions with the State:

(1) Promote coordination of the provision of offsite assistance to State and local government agencies by the Federal agencies, including medical care, food, potable water, shelter, clothing, transportation, security, and any other assistance needed to protect the public health and safety. This coordination function is to be performed in addition to, and does not supplant, the specific coordination functions

assigned to other Federal agencies as part of their normal responsibility to provide these specialized forms of assistance.

(2) Establish the Federal Response Center as a base of operations near State operations at the scene of the emergency that can serve as a focal point for Federal response team interactions with the State.

(3) Provide the principal point of contact for State and local government requests for Federal assistance.

(4) Refer all State and local requests to the most appropriate Federal agency.

(5) Refer all Federal agencies to appropriate points of contact in State and local government.

(6) Provide information to the State and local government concerning the status of their assistance requests.

(7) Maintain contact with DOE or EPA to ensure that the offsite Federal radiological monitoring and assessment effort is coordinated with other offsite Federal assistance to the State.

(8) Facilitate the exchange of all other information among Federal agencies.

(9) Make requests through FEMA headquarters for additional Federal resources that cannot be acquired by Federal agencies at the scene.

(10) Refer all interagency policy issues and interagency operational problems that cannot be resolved at the scene to FEMA headquarters for resolution with Federal agencies at the national level.

(11) Promote the provision of information from Federal agencies to the State regarding actions taken or anticipated by them.

(12) Promote the coordination of all formal recommendations and guidance from Federal agencies before they are presented to the State.

(b) Coordinate the Federal Offsite Response with the Federal Onsite Response:

(1) Promote the coordination of the Federal offsite response with the Federal onsite response so that any Federal actions off site are taken with full knowledge of current or anticipated Federal actions on site.

(2) Assist and support the CFA, as required, with obtaining needed logistical support through other Federal agencies.

(3) Assist the CFA, as required, in its development or evaluation of protective action recommendations including the provision of needed information to or from other Federal agencies having the required expertise.

(4) Ensure that the CFA is informed of the capabilities and resources of offsite Federal agencies for assisting with the implementation of Federally

recommended public protective actions by the State or other offsite authorities.

(5) Assist the CFA and DOE or EPA, as FRMAP coordinator, in disseminating information to, and obtaining information from, other Federal agencies. Facilitate the exchange of all other information among Federal agencies.

(6) Participate in the presentation of a Federally coordinated assessment of the set of protective action recommendations to the State or other responsible offsite authorities in conjunction with the CFAO. When the public health and safety are in imminent peril, the CFAO will present recommendations without consultation with the SFO or other Federal agencies.

(c) *Serve as an Information Source for the Total Federal Response:*

(1) Provide periodic reports on the Federal response to the White House Situation Room as requested, but at least daily. The SFO, in coordination with the CFAO, will maintain an executive level summary of the total Federal response and will provide all subsequent reports to the White House. The SFO's summary will ensure that the White House receives a comprehensive and complete report on the Federal response. This SFO activity does not preclude the White House from contacting any agency for information, nor does it restrict an agency from responding to White House requests. The CFA will remain the source for technical information on the emergency, i.e., the onsite conditions and the potential or real offsite radiological impacts.

(2) Provide information in coordination with the CFA on the status of the Federal response to members of Congress and their staffs both in Washington and in the field when requested.

3. Role of DOE and EPA

The Department of Energy* and the Environmental Protection Agency have a major role in the Federal response by coordinating Federal radiological monitoring and assessment activities. There are three responsibilities involved, which initially fall to DOE. They are:

- Coordinate the offsite radiological monitoring, assessment, evaluation, and reporting of all Federal agencies during the initial phases of the emergency, including notification of

Federal agencies in accordance with the provisions of the FRMAP;

- Maintain liaison and a common set of offsite radiological monitoring data with the facility owner or operator and State and local agencies with similar responsibilities; and
- Provide these data and any interpretations to the CFA and appropriate Federal, State, and local agencies, and assist the CFA in its development or evaluation of recommendations for public protective actions and re-entry recommendations, as required.

After the initial phases of the emergency, DOE will transfer these coordination responsibilities to EPA at a mutually agreeable time. EPA will assume the lead agency responsibility for coordinating the intermediate and long-term offsite radiation monitoring activities only after receiving adequate assurance from the Department of Energy and other Federal agencies that they will commit the required resources, personnel, and funds for the duration of the Federal response effort. After this transfer occurs, EPA will coordinate Federal radiological monitoring and assessment activities.

D. Public Information and Congressional Relations

This section describes the responsibilities for Federal agency public information and Congressional relations that will be implemented under this plan.

1. General Public Information Responsibilities

The major roles and responsibilities for public information release during a radiological emergency are as follows.

a. *The facility operators* are responsible for information on facility status and conditions.

b. *The State* is responsible for releasing information relating to the impact of the emergency on the health and safety of its citizens and its emergency response operations.

c. *The CFA*, through the CFAO's Public Information Officer (PIO), and in conjunction with the owner or operator, is responsible for information related to: (a) The onsite conditions of the affected facility, carrier, or cargo and (b) the offsite radiological effects. The CFA is responsible for the security classification of all onsite information in accidents or significant incidents involving nuclear weapons.

d. *Each Federal agency* is responsible for the preparation of public information releases related to its own response activities. Prior to release, information will be coordinated through the public

information organizations described in the remainder of section D.

e. *FEMA*, through the SFO's PIO, will work with the CFAO's PIO to promote coordination among all Federal agencies regarding public information generated by them and to promote the coordination of press releases with the State. Coordination does not mean that the language of all releases must be approved by the SFO and CFAO PIOs, but rather that the information content is to be reviewed by them prior to release to ensure its consistency with the total information available. In cases when the public health and safety are in imminent peril, the CFAO's PIO may review and release public information independently.

2. Coordinated Release of Public Information at the Scene of the Emergency

Upon arrival at the emergency scene, the CFAO's PIO will establish Federal public information operations at the Joint Information Center (JIC) in cooperation with the owner or operator's pre-established information center, or separately if necessary. The JIC at the scene of the emergency will provide the public and the media with adequate, accurate, and timely public information regarding a radiological emergency. All Federal PIOs will collocate, and efforts will be made to collocate the Federal PIOs with, State, local, and owner or operator public information officials in this center as well. Most nuclear power reactor owner or operators have designated JIC locations and have made arrangements to establish and operate these centers in an emergency. Federal PIOs should work within these centers, if possible.

When it is not feasible to establish a single public information center, more than one information center may be used. In such cases, special efforts will be necessary to maintain close coordination between the various press centers and the State's public information center.

The establishment of Federal operations at the JIC will be undertaken in coordination with FEMA, other appropriate Federal agencies, and State and local authorities, when practicable. If FEMA's PIO or any other participating agency's PIO arrives at the scene of the emergency before the CFAO, the FEMA PIO or another agency's PIO may establish and manage Federal operations at the JIC until the CFAO arrives. Upon arrival, the CFAO will assume primary Federal government responsibility for Federal operations at the JIC. The CFAO's PIO will work with

* DOE would also serve as the CFA if the emergency involved DOE owned or authorized nuclear facilities, carriers, or cargo (including weapons in DOE custody).

FEMA's PIO to promote the coordination of Federal public information releases. The responsibility for Federal activities at the JIC may be transferred to FEMA, if agreed to by the CFAO's PIO at the scene and FEMA's PIO, at a mutually acceptable time.

3. Coordinated Release of Public Information at the Headquarters Level

For some emergency situations it may be necessary to release public information prior to the establishment of Federal operations at the JIC. When this is the case, Federal agencies must coordinate the release of public information through their headquarters with the CFA headquarters PIO. The CFA headquarters PIO who serves as the single point of contact at the national headquarters level for all Federal agency PIOs as well as for the media. The CFA headquarters PIO, in conjunction with FEMA, will establish procedures for the coordinated release of Federal public information to the media.

Prior to the establishment of Federal operations at the JIC, Federal agencies will coordinate releases of public information both at the regional level and near the site of the emergency through their Washington, D.C. headquarters offices.

The agency headquarters points of contact for public information will continue to operate, but once the JIC is established, all Washington-based information must be coordinated through the JIC prior to release. The Washington centers may, however, handle overflow news media inquiries and serve as a platform for carefully selected, Washington-based specialists to supply background information, as required.

4. Coordinated Release of Information to Congress

Responses to Congressional requests for information will be coordinated among the Federal agencies whenever possible. The CFA Congressional Liaison Officer (CLO) at the headquarters Congressional Affairs Office will provide a single point of contact for all Federal agency CLOs and Congressional staffs seeking site-specific emergency information. As time and circumstances allow, all agency CLOs will either channel Congressional requests to this single point of contact, or coordinate their intended responses with it. If required, a Congressional relations operation at the headquarters level may be established.

Once the SFO is deployed to the scene, (s)he will arrange for his/her CLO to meet at appropriate intervals

with area Congressional field staffs. In conjunction with the CFAO's CLO, the SFO's CLO will brief them on the situation.

This formal procedure does not preclude communication and information exchange between Congressional representatives and Federal agencies. However, Federal responses will be coordinated among Federal agencies in the manner described.

III. Federal Radiological Monitoring and Assessment Plan (FRMAP)

A. Foreword

To coordinate offsite radiological assistance under the FRERP, the U.S. Department of Energy (DOE) developed the Federal Radiological Monitoring and Assessment Plan (FRMAP). The FRMAP, required under a Federal Emergency Management Agency regulation issued on March 11, 1982, is a revised and updated version of the planning and response concepts of the Interagency Radiological Assistance Plan (IRAP). The IRAP was originally published in 1961 to provide Federal technical assistance and response to radiological emergencies. FRMAP and IRAP are very similar in concept, with the most notable changes occurring in the designation of participating Federal agencies and, in some cases, their expanded or revised responsibilities, e.g., FEMA. The FRMAP deals with the initiation and coordination of Federal radiological monitoring and assessment assistance, not each Federal agency's individual response.

The FRMAP establishes: (a) A means of requesting and providing Federal radiological assistance from existing Federal resources and (b) an operational framework for coordinating the radiological monitoring and assessment activities of Federal agencies during radiological emergencies occurring within the United States and its territories. The operational guidelines presented here apply to all radiological emergencies in which Federal assistance is requested.

At one end of the range of radiological emergencies, the FRMAP may be implemented without the FRERP. At the other end of the range, the radiological assistance provided through FRMAP may be only a small portion of the total Federal response to a major emergency. FRMAP applies primarily to offsite Federal radiological monitoring and assessment assistance and the technical support for these activities.

B. Purpose

The purposes of the FRMAP are as follows:

- To make needed radiological monitoring and assessment assistance available to the general public, State and local governments, and Federal agencies;
- To provide a framework through which Federal agencies will coordinate their emergency radiological monitoring and assessment activities in support of Federal, State, and local governments radiological monitoring and assessment activities; and
- To assist State and local governments in preparing for radiological emergencies by describing Federal assistance responsibilities and capabilities.

C. Authority and Jurisdiction

DOE is assigned the responsibility for developing the FRMAP under authority of 44 CFR Part 351. The FRMAP is included in the FRERP to provide a single, comprehensive document that describes all Federal offsite assistance responsibilities. The agencies participating in the FRMAP, including agencies that joined FRMAP subsequent to 44 CFR Part 351, are: FEMA, the Nuclear Regulatory Commission (NRC), the Environmental Protection Agency (EPA), the Department of Health and Human Services (HHS); the Department of Energy (DOE); the Department of Agriculture (USDA); the Department of Defense (DOD); the Department of Commerce (DOC); and the Department of the Interior (DOI).

The FRMAP recognizes that the above agencies may have other radiological planning and emergency responsibilities as part of their statutory authority, as well as established working relationships with State counterpart agencies. The provisions of the FRMAP do not limit those responsibilities, but complement them by providing for a coordinated Federal response when emergency radiological assistance is requested. All FRMAP activities will support the monitoring and assessment programs of the State and those of the owner or operator of the radiological activity.

D. Policy

1. Federal agency plans and procedures for implementing the FRMAP will be consistent with any radiological emergency planning requirements for State and local governments and specific facilities.

2. The participating Federal agencies will maintain facilities, equipment, and personnel to carry out their statutory responsibilities. Existing radiological monitoring and assessment capabilities developed to carry out those responsibilities will be made available to State and local authorities, other Federal agencies, and to the general public in an emergency if other resources are not available.

3. The Federal agencies will make their resources available on request. An agency may decline to provide resources only if doing so would prevent that agency from carrying out its essential missions and emergency functions.

4. During the emergency phase of the Federal response, the DOE will coordinate all Federal radiological monitoring and assessment operations and integrate the data derived from those activities. EPA will assume the lead agency responsibility for coordinating the intermediate and long-term offsite radiation monitoring activities only after receiving adequate assurance from the Department of Energy and other Federal agencies that they will commit the required resources, personnel, and funds for the duration of the Federal response effort. The full FRMAP response will be terminated when the EPA Administrator determines, after consultation with the CFA and State and local officials, that there is no longer a threat to the public health and safety to the environment, or that State and local resources are adequate for the situation, or, when the Federal agencies are carrying out only non-emergency statutory responsibilities.

5. An agency that makes its resources available, although under the general direction of DOE (or later, EPA), does not place itself under the authority of the coordinating agency.

6. The DOE (or later, EPA), will maintain a common and consistent set of all offsite radiological monitoring data and provide it, with interpretation, to the Cognizant Federal Agency, to the State, to Federal agencies having appropriate statutory authorities, and to other groups as required.

7. The Federal radiological monitoring and assessment response will be in support of, and coordinated with, that of the State and local governments. The resources of DOE and the participating agencies will be used only when State and local resources are not adequate. All offsite activities will be coordinated with those of the State.

8. Federal assistance will be initiated when the Federal Radiological Emergency Response Plan is activated, or through a request from a State or

local government, another Federal agency or private entity, or (in rare cases) when DOE, after notification of an incident, but in the absence of an activation by the FRERP or State request, believes there is a possibility of a hazard.

9. Federal agencies, to the extent possible, will assist other Federal agencies and State and local governments with planning and training activities designed to improve local response capabilities, and will cooperate in drills, tests, and exercises.

10. Appropriate independent emergency actions may be taken by the participating Federal agencies on their own authority to save lives, minimize immediate hazards, and to gather information about the emergency that might be lost by delay. Such action will not preempt later implementation of the FRMAP.

11. Funding for each agency's participation in support of the FRMAP is the responsibility of that agency unless provided for by other agreements.

E. Maintenance and Revision

The Interagency Committee on Radiological Assistance (ICRA), consisting of representatives from each of the participating agencies, will serve as the continuing coordinating body for the FRMAP. This committee will interpret, maintain, and update the FRMAP. Changes to the plan will be made through ICRA and must have the approval of DOE and any other participating agencies affected by the change. ICRA will also provide a means for coordinating response capabilities, training activities, exercises, and research and development pertinent to the FRMAP. The DOE representative will serve as ICRA chairman. An ICRA meeting will be held at least once each year, with supplemental meetings as needed.

Each agency will report periodically to the ICRA on its radiological response capabilities, training programs, and any research and development activities designed to improve its response.

F. Organization

1. General Principles

The FRMAP addresses the coordination of the participating agencies' support of offsite monitoring and assessment efforts. The organization of the FRMAP emergency response and the roles of some agencies under FRMAP will depend on the specific emergency, but will follow the principles outlined in the Federal Radiological Emergency Response Plan. Information generated from the FRMAP

response is provided to the CFA and to the appropriate State authorities.

2. Involvement of Non-Participating Agencies

In some cases, other Federal agencies may become involved with FRMAP activities. The State Department would be involved if the emergency affected areas outside United States territory and monitoring efforts needed to be coordinated across an international border. The Federal Bureau of Investigation (FBI) would have the principal role in the investigation of all emergencies where terrorism or deliberate release of radioactive materials is suspected or in cases of threats against nuclear facilities or materials. The major FBI interfaces, however, are expected to be with the CFA and FEMA. Even when the FBI is involved, DOE/EPA will coordinate monitoring functions with their State counterparts.

3. Coordination of a Limited Response

The FRMAP recognizes that the appropriate response to a request for Federal radiological assistance may take many forms, ranging from advice given by telephone to a large Federal monitoring and assessment operation at the scene of a serious emergency. Most of the following guidelines for participating agencies are designed for the latter situation, but the FRMAP is also applicable to lesser incidents where a limited response, possibly by DOE alone, is sufficient.

G. Responsibilities of Participating Agencies

1. Responsibilities During Emergencies

Cognizant Federal Agency: The CFA's primary emergency response responsibilities are stated in the previous chapter at C.1. The CFA will also contribute to the FRMAP as follows:

- Ensure that DOE, State, and local officials are notified quickly of a radiological emergency;
- Provide pertinent onsite technical and radiological data to the DOE Off Site Technical Director (OSTD) and State and local officials;
- Utilize FRMAP data, as appropriate, to develop technical recommendations on protective measures if the facility operator's recommendations are considered inappropriate or insufficient.

Department of Energy: DOE's offsite responsibilities are:

- Coordinate the offsite radiological monitoring, assessment, evaluation,

- and reporting activities of all Federal agencies during the initial phases of an emergency while maintaining technical liaison with State and local agencies with similar responsibilities.
- Provide the personnel and equipment required to coordinate and, in cooperation with other Federal components, to perform the offsite radiological monitoring and evaluation activities.
 - Request supplemental radiological monitoring assistance from other Federal agencies when needed, when requested to do so by the State, or if considered necessary to maintain the credibility of the offsite assessment.
 - Request meteorological, hydrological, geographical, etc., data needed for monitoring and assessment efforts.
 - With other appropriate agencies help the CFA to assess the accident potential and to develop technical recommendations on protective action.
 - Maintain a common set of all offsite radiological monitoring data and provide these data and interpretation to the CFA and other appropriate Federal, State, and local agencies requiring direct knowledge of radiological conditions.
 - Provide consultation and support services to all other entities (e.g., private contractors) with radiological monitoring functions and capabilities.
 - Help HHS and other Federal, State, and local agencies by providing technical and medical advice about the treatment of radiological contamination.
 - Assist the other Federal, State, and local agencies in early planning for decontamination and recovery of the offsite area and make recommendations to avoid the spread of contamination by improper emergency operations.
 - Provide telecommunications support to Federal agencies assisting in offsite radiological monitoring, if necessary.
 - Ensure the orderly transfer of responsibility for coordinating the intermediate and long-term radiological monitoring function to EPA at a mutually agreeable time after the initial phases of the emergency if the need for Federal radiological assistance continues.

The DOE Emergency Action and Coordination Team (EACT) at DOE headquarters authorizes the appropriate DOE response for the FRMAP.

Environmental Protection Agency: EPA will assume the lead agency responsibility for coordinating the intermediate and long-term offsite radiation monitoring activities only after

receiving adequate assurance from the Department of Energy and other Federal agencies that they will commit the requested resources, personnel, and funds for the duration of the Federal response effort. Once the transfer of coordination responsibilities are transferred from DOE to EPA, EPA will assume the DOE role described above except for providing technical and medical advice about treatment of radiological contamination. Prior to assuming coordination responsibility, EPA will function as one of the other participating agencies.

Federal Emergency Management Agency: FEMA has a major role in all situations involving a multi-agency response. In addition to coordinating the offsite (non-technical) response under the FRERP, FEMA may contribute to FRMAP in these ways:

- Obtain telecommunications and logistical support for agencies participating in monitoring and assessment; and
- Provide monitoring assistance to DOE or EPA if requested.

Other Participating Agencies: Each participating agency will carry out its statutory responsibilities and any other responsibilities under the FRERP, if the FRERP is implemented, during the course of the radiological emergency. All radiological monitoring and assessment activities conducted as part of the statutory responsibilities will be coordinated with the other participating agencies through DOE and later, EPA. Each agency will make its radiological resources and capabilities available to the Federal assistance operations to the maximum extent possible.

2. Responsibilities for Training and Exercises

To improve the response capability of the participating agencies and the State and local personnel with whom they interact, the FRMAP encourages the development of training materials and presentation of training sessions by all agencies and at all levels. Radiological emergency response training should be oriented toward ensuring proper emergency actions at the scene of a radiological emergency, informing the public, and effecting a prompt return to normalcy. In addition to agency personnel, personnel who may be trained, include those likely to be at the scene of the accident, such as personnel of a fixed nuclear facility, personnel providing emergency services, those experts responding to calls for radiological assistance, and local authorities who need to work with State and Federal emergency radiological

assistance personnel. Federal assistance in training State and local government personnel is available through FEMA (under 44 CFR Part 351), using the technical expertise and resources of other FRMAP agencies.

Exercises of the FRMAP aspect of the FRERP are encouraged among Federal, State, and local agencies. Exercises may occur independently or in conjunction with other exercises, such as State/facility emergency plan exercises or exercises of the FRERP. Each agency should coordinate its training programs and exercises through the Federal Radiological Preparedness Coordinating Committee (FRPCC) and ICRA to avoid duplication and to make its training available to other agencies. Each agency is encouraged to furnish training materials and training assistance, if feasible, when requested by other agencies.

H. Categories of Emergencies

Three categories or types of emergencies have been previously described in the FRERP. Each type of emergency may present different types of response problems.

Fixed nuclear facilities, including nuclear power reactors, have the advantages of known locations and existing site-specific emergency plans. Classifications of incident severity have been developed for many of these facilities, and the level of FRMAP response may be guided by these classifications. The NRC has adopted four categories for incidents at commercial nuclear power plants: Notification of Unusual Event; Alert; Site Area Emergency; and General Emergency. DOD and DOE have chosen the same four categories for their nuclear facilities, although the type of possible incident would depend on the type of facility. In general, for facilities using these categories, offsite monitoring and assessment activities would be expected only during a Site Area Emergency or a General Emergency. Substantial offsite radiological problems would be expected only during or following a General Emergency condition. Mobilization and activation could occur under an Alert if degradation of the level of safety at the facility or other conditions (public concern, unfavorable weather, lack of resources) warrant such action.

Response to transportation accidents is more difficult to plan, as such accidents may occur anywhere, may involve a variety of radioactive materials, and may present no hazard or serious threat. In most cases, State

resources or a limited Federal response will suffice.

A nuclear weapon accident or weapon-significant incident overlaps the above two categories in response characteristics. Weapons incidents are most likely to occur at DOD fixed facilities or as the result of a transportation accident.

The category of "other incidents" contains events that do not fit the other two categories. For many of these events, a limited response by DOE alone or with the assistance of another agency will be sufficient. The CFA will be designated in accordance with the FRERP guidelines.

I. Operating Procedures

1. Notification and Activation

Notification of DOE and other participating agencies may occur through an alert to a possible problem or a request for radiological assistance. DOE will maintain national and regional coordinating offices as points of access to Federal radiological emergency assistance and response. Requests for Federal radiological assistance will generally be directed to the appropriate DOE Radiological Assistance Regional Coordinating Office. An exception to this is a request from the DOD, which will be made through the DOD-DOE Joint Nuclear Accident Coordinating Center (JNACC) at Kirtland AFB in Albuquerque, New Mexico. Requests might also go directly to DOE's Emergency Operating Center (EOC) in Germantown, Maryland.

Requests for radiological assistance may come from other Federal agencies, State or local governments, licensees for radioactive materials, or the general public. Appropriate requests may also be referred by DOE by the National Response Center, which is operated by the U.S. Coast Guard primarily to receive reports of accidental discharges of petroleum products, and the Chemical Transportation Emergency Center (CHEMTREC), an emergency assistance center sponsored by the Chemical Manufacturers Association.

Although activation of a response under the FRMAP can occur at the request of other agencies, authorities, and coordinating centers, a State request for assistance should be obtained before major offsite operations begin.

The DOE regional office may respond by dispatching a Radiological Assistance Program (RAP) team, by requesting assistance from a regional office of another participating agency, or by referring the request to an appropriate State agency that can

provide prompt assistance. In addition, the DOE regional office will notify the Director of DOE's Emergency Action and Coordination Team (EACT) through the Emergency Operating Center (EOC) when the DOE regional office needs assistance or has responded to a request for assistance. EACT may choose to alert or activate major DOE response resources. If the initial request comes directly to the EOC, its staff will alert or dispatch a RAP team from the appropriate regional office.

The DOE EOC will notify other appropriate agencies participating in the FRMAP if significant Federal involvement may be required or to request their assistance. DOE, in its role as coordinator, may choose to contact or may be contacted by any of the participating agencies, but the FRMAP is not intended to provide the primary source of general information about an incident.

Notification of FRMAP agencies may be delayed or omitted if necessary to avoid interfering with investigations of threats against nuclear facilities or materials. In some cases, notification may be made, but information not critical to the monitoring and assessment activities can be restricted by an ongoing criminal investigation. Restrictions on classified information may also prevent total disclosure to other participating agencies.

2. Coordination at the Emergency Scene

The DOE's Emergency Action and Coordination Team (EACT) at headquarters will designate an initial Off Site Technical Director (OSTD) for any emergency requiring more than a limited Federal response. The OSTD ensures that the DOE responsibility for coordinating offsite monitoring and assessment is met. Upon arrival at the scene of the emergency, the OSTD will contact the State or local agency responsible for radiological monitoring and the senior officials of the CFA, FEMA, and EPA present at the emergency scene.

The person designated as OSTD may vary as the nature and degree of response change. For example, the OSTD will generally be the RAP team captain during the early response. As additional resources or additional RAP teams arrive, EACT may designate a higher-level official from a regional office or an official from DOE headquarters as OSTD. DOE will notify the appropriate participating agencies when these designations are made. In emergencies where DOE is also the CFA or has onsite responsibilities by agreement, the OSTD will coordinate the FRMAP activities, reporting to the

CFAO through the designated DOE Team Leader.

The OSTD is responsible for establishing a Federal Radiological Monitoring and Assessment Center (FRMAC) to be used as a coordination center for Federal monitoring efforts. This center need not be located near the emergency site or the FEMA-State operations centers as long as its actions can be coordinated with those centers. In some instances, the FRMAC location may have already been chosen and included as part of the State or local emergency plan. The location of the FRMAC will be reported to the CFA, FEMA, and State officials at the scene, and DOE headquarters will inform the headquarters of appropriate participating agencies.

The DOE OSTD will work closely with the EPA radiological response coordinator to facilitate a smooth transition of the coordination responsibility to EPA at a mutually agreeable time. It is difficult to specify in advance when this transfer could occur, but it would generally be expected to take place after the immediate emergency situation is stabilized, offsite releases of radioactive material have ceased, and the offsite radiological conditions have been documented and their consequences have been assessed. In the case of an accident at a nuclear power plant, for instance, the transfer of responsibility might be set at a mutually agreeable time after the NRC has determined the plant to be in stable condition.

After this transfer, a person designated by EPA's Office of Radiation Programs will serve as the OSTD and will assume the responsibilities of the DOE OSTD. Other participating agencies will be responsible for coordinating their monitoring activities through the EPA OSTD as long as the FRMAP response continues.

3. Public Information

Public information activities relative to FRMAP operations will be coordinated in accordance with the FRERP. Each participating agency is responsible for preparation of press releases about its own response activities in support of FRMAP. However, information for the public about the results of the Federal radiological monitoring should be coordinated through the CFA and FEMA. The participating agencies may supply public information personnel or technical experts to assist the CFA, FEMA, or State in their public information efforts.

Security considerations may restrict information available when classified nuclear material or facilities are involved. Information may also be temporarily withheld from the public in emergencies involving terrorism or sabotage to avoid interfering with an ongoing criminal investigation.

When the Federal response is limited, public information may be handled locally by appropriate Federal or local officials.

4. Congressional Information

Responses to Congressional requests for information will be coordinated among the Federal agencies as provided for in the FRERP. In particular, questions about the emergency, its expected consequences, or the results of the FRMAP activities should be referred to the CFA or answered only after consultation with the CFA.

Congressional Liaison Officers and representatives of participating agencies may also participate in coordinated briefings.

5. Reimbursement

As states in Section D, funding for each agency's participation in support of FRMAP is the responsibility of that agency, unless other agreements are in effect. This will be the case regardless of whether the activities were initiated by statutory responsibilities or by the request of another agency.

J. Supporting Agreements

Several interagency agreements have been signed that pertain to the offsite monitoring and assessment activities covered by FRMAP. Additional agreements may be concluded with the approval of the signatory agencies if ICRA determines that they are applicable to FRMAP. Authority for each agency's role during a radiological emergency is contained within the authorities cited in each agency's response plan summary in the following chapter.

IV. Federal Agency Interfaces and Response Plan Summaries

To facilitate the coordination of Federal agency response actions, this section lists and defines Federal agency interfaces, those activities for which two or more agencies have related responsibilities. The efficiency and effectiveness of the Federal response is enhanced when agencies act in accordance with these mutual interfaces. This section also contains summaries of the response plans of the participating Federal agencies, which provide agency mission statements, contact points for notification, Federal

interfaces, plan references, and sources of authority.

A. Federal Agency Interfaces

Federal agency interfaces are necessary for a coordinated Federal response. These interfaces, describing how various Federal agencies will work together, are the planning elements that promote coordination in the Federal response. Some of these interfaces were described explicitly in the preceding sections; others are implicit in the individual agency response plan summaries that follow in Section B. The interfaces are catalogued alphabetically in this section to provide a comprehensive reference list for participating agencies and other offsite authorities. This catalogue also serves as a glossary, since only the titles of these interfaces are used in the agency response plan summaries that follow.

Congressional Information: As time and circumstances allow, agency Congressional Liaison Officers (CLOs) will either channel Congressional requests to the CFA Congressional Liaison Officer at the CFA headquarters, or coordinate their intended response with him/her. The Senior FEMA Official's CLO, in conjunction with the CFAO's CLO, will brief Congressional field staffs, as appropriate, at the scene of the emergency.

Coordination (Liaison): Agencies will provide or exchange liaison representatives, as required, to assist in the implementation of shared responsibilities.

Coordination (Offsite): Federal agencies will coordinate their provision of offsite assistance to State and local government agencies with the SFO whenever Federal agencies share the implementation of certain responsibilities or when their activities may impinge on the actions of other agencies.

Coordination (Onsite/Offsite): The SFO and the CFAO will work together to coordinate the response efforts of the Federal agencies offsite with the response efforts of the CFA and owner or operator onsite.

Designation of Lead Agency Official: Each agency will provide FEMA with the following information about its designated lead official: (1) Name and location; (2) telephone number at agency headquarters and/or at the scene; (3) if appropriate, the primary official deploying to the scene and his/her estimated time of arrival on scene; and (4) the primary official's intended location at the scene. Similarly, FEMA will provide each Federal agency with the same information when FEMA designates its SFO.

Emergency Shelter Availability: HUD and HHS will coordinate their assistance to State and local government officials in providing emergency shelter for relocated persons.

FRMAP (Coordination with FRERP): The SFO and DOE or EPA will coordinate FRMAP monitoring and assessment activities and results with other Federal offsite assistance being provided to the State.

FRMAP (Liaison): Upon arrival at the scene, the DOE OSTD will establish liaison with State and local officials, the CFA, FEMA, and EPA.

FRMAP (Monitoring Results): DOE will coordinate Federal monitoring activities in support of the State during the initial stages of the emergency. The CFA will work with DOE to develop a comprehensive assessment of the radiological impacts of the emergency using both onsite and offsite monitoring data. The results of the assessment will be provided to the State and CFA (and other Federal agencies that require those results) for the State's and CFA's use in evaluating or confirming recommendations for protective actions.

FRMAP (Notification): DOE will notify Federal agencies that have FRMAP responsibilities in accordance with agreed upon notification procedures.

FRMAP (Resources): In making their resources available to support the FRMAP, all participating Federal agencies will coordinate their activities with DOE. When EPA has assumed the coordination responsibilities from DOE, participating Federal agencies will coordinate their activities with EPA.

FRMAP (Transition): After the emergency phase of the response, DOE will transfer FRMAP coordination responsibilities to EPA at a mutually agreeable time.

Federal Response Center: Upon notification by FEMA of the location and establishment of the Federal Response Center, each Federal agency with representatives at the scene of the emergency will provide representation to the Center as required.

Marine Fishery Product Safety: The Department of Commerce will provide a representative to HHS to coordinate on matters of fishery product safety (marine areas only).

Food/Feed Availability: USDA and HHS will coordinate their assistance to State and local government officials to insure the availability of food and feed during emergencies.

Food/Feed Safety Resources: HHS will provide resources, in coordination with USDA, to insure that food and animal feeds are safe for consumption.

Impact Assessment (Agriculture): USDA will coordinate with HHS and EPA to assist State and local officials, as requested, in the disposition of livestock and poultry contaminated or otherwise affected by radiation.

Impact Assessment (Health): HHS will assist the CFA, if requested, in assessing the impact of the radiological emergency on the health of persons in the affected area.

Information Exchange: A mechanism will be established to enable FEMA to facilitate the timely exchange of information among responding Federal agencies.

Information Requirements: CFA and FEMA will satisfy the information requirements specified by each Federal agency during the planning process as mutually agreed.

International Cooperation (CFA): The CFA, in consultation with FEMA and the Department of State, will cooperate with government counterparts in Canada and Mexico as agreed to in site-specific and incident-specific plans to respond to radiological emergencies that may occur near U.S. borders.

International Cooperation (FEMA): FEMA will work with the Department of State and other Federal agencies to implement the Federal response within the agreed-upon framework of international cooperation established during the planning process for radiological emergencies occurring near the borders of Canada and Mexico.

Logistical Support for Other Federal Agencies: The SFO, through FEMA headquarters, will make requests at the national level to obtain resource assistance needed by Federal agencies at the emergency scene.

Logistical Support for the CFA: The SFO will assist and support the CFA in obtaining logistical support or other resources from other Federal agencies when needed.

Monitoring Resources (EPA): EPA will provide resources to assist DOE in monitoring radiactivity levels in the environment during the emergency phase of the incident and, during the intermediate and long-term phase, will coordinate Federal radiological monitoring and the evaluation of actual environmental impact.

Notification (CFA): The CFA, after receiving notification of the emergency, will notify FEMA and DOE of the incident. This notification will include a description of the CFA's response status and current activities, a general assessment of the incident, and any information that FEMA and DOE may need to notify other Federal agencies.

Notification (FEMA): FEMA will notify Federal agencies of the

emergency situation and supply them with all relevant information as agreed in the planning process.

Notification (Procedures): FEMA will execute operational response procedures as agreed to with each potential CFA, to ensure that notification of Federal agencies and consequent activation of the Federal response take place in a timely, efficient, and mutually agreeable manner.

PAR (Development): Unless the public health and safety are in imminent peril, the CFA will consult with FEMA, HHS, EPA, USDA, DOE, and other Federal agencies, as necessary, in preparing a coordinated Federal position on Protective Action and Re-entry Recommendations (PARs), when required.

PAR (Presentation): Unless the public health and safety are in imminent peril, the CFAO, in conjunction with the SFO, will prepare and present an evaluation of PARs to the State or other appropriate offsite authority.

Protective Action Measures (Food): USDA, in coordination with HHS, will assist State and local officials in the implementation of protective measures to minimize contamination through food ingestion.

Public Information Releases from Headquarters: Federal agencies' headquarters PIOs will either channel media information requests to the CFA's PIO at the CFA headquarters or coordinate their intended public information releases through him/her prior to release.

Public Information Releases from the JIC: Federal agencies' PIOs will work together to promote the coordinated release of public information through the JIC. The CFA will assume primary responsibility for the Federal government operation at the JIC. Federal operations management at the JIC may be transferred to FEMA at a mutually acceptable time; agencies will then coordinate their releases through the SFO's PIO.

Radiation Victim Care Advice: DOE will provide HHS and other Federal, State, and local agencies with advice on the handling and care of radiation accident victims if requested.

Recovery Plan: Prior to the deactivation of the Federal response, the CFAO, in conjunction with the SFO and other Federal agencies, will assist the State, as requested, in developing an offsite recovery and restoration plan.

Status Reports: Agencies at the scene of the emergency prior to the arrival of the CFA, FEMA, and DOE will provide a status report on their activities when each of these agencies arrives at the

scene of the emergency. Subsequent agency status reports will be provided on a recurring basis, as required, by the CFA, FEMA, and DOE.

Transportation to Emergency Housing Advice: HUD may consult with DOT for advice on the best means for transporting persons to emergency housing.

Water: DOI will coordinate its operation of Federal water resource projects with EPA and USDA to ensure protection of municipal (EPA) and agricultural (USDA) water supplies during radiological emergencies.

Weather Support: For radiological emergencies involving civilian facilities, the weather support capabilities of other agencies, such as DOD, will back up DOC when necessary. Conversely, DOC will provide backup support, when required, to DOD for DOD-related radiological emergencies.

White House Information: The CFA will notify the White House of the incident. Subsequently, the CFA will coordinate with the SFO when informing the White House of onsite conditions and actual or potential offsite radiological impacts. The SFO, in coordination with the CFAO, will maintain an executive level summary of the total Federal response and provide all subsequent executive summaries to the White House.

B. Summaries of Federal Agency Response Plans

This section provides summaries of the response plans prepared by participating Federal agencies:

Department of Commerce (DOC)
Department of Defense (DOD)
Department of Energy (DOE), CFA and FRMAP
Department of Health and Human Services (HHS)
Department of Housing and Urban Development (HUD)
Department of the Interior (DOI)
Department of Transportation (DOT)
Environmental Protection Agency (EPA)
Federal Emergency Management Agency (FEMA)
National Communications System (NCS)
Nuclear Regulatory Commission (NRC)
U.S. Department of Agriculture (USDA)

Each summary provides a mission statement, the agency contact point for notification, Federal agency interfaces, assistance responsibilities to State and local governments, agency response plan and procedure references, and sources of agency authority.

Department of Commerce Response Plan Summary

1. Summary of Response Mission

The National Oceanic and Atmospheric Administration (NOAA) is the primary agent within the Department of Commerce responsible for providing radiological emergency assistance to responding Federal, State, and local organizations. NOAA's responsibilities include: acquiring weather data and providing weather forecasts in connection with the emergency; disseminating weather and emergency information; and ensuring the safety of marine fishery products from radioactive contamination.

2. Point of Notification at DoC Headquarters

Contact Person's Title: Chief, Applied Services Branch
Contact Person's Office: National Weather Service Headquarters
Emergency Phone Number: (301) 427-7858 or (301) 427-7859
Alternate Emergency Point of Contact: NOAA/NWS Communications Branch
Alternate's Phone Number: (301) 581-1818; FTS 763-8189

3. Federal Department or Agency Interfaces

Listed below are DoC's interfaces with other Federal departments and agencies in responding to a radiological emergency.

Interface description	Agencies	Responsible DOC organization
Status reports, information requirements, and public information releases from Joint Information Center (JIC).	DOD (CFA), DOE (CFA), NRC (CFA), FEMA.	NOAA.
Federal Response Center	FEMA.	NOAA.
Recovery plan	DOD (CFA), DOE (CFA), NRC (CFA), FEMA.	NOAA/National Marine Fisheries Service (NMFS).
Public information from headquarters, and congressional information.	DOD (CFA), DOE (CFA), NRC (CFA).	NOAA.
Notification	FEMA, NRC.	NOAA/National Weather Service (NWS).
Fishery product safety	HHS/FDA	NMFS.
Information exchange, logistical support for other Federal agencies, coordination (offsite), and designation of lead agency official.	FEMA	NOAA.
Weather support	DOD	NWS.
FRMAP (notification)	DOE	NWS.
FRMAP (resources)	DOE, EPA	NWS.

4. Responsibilities for Assistance to State and Local Governments

- Prepare and disseminate forecasts and warnings for severe weather such as hurricanes, tornadoes, severe thunderstorms, floods, extreme winter weather, and tsunamis to local officials and the general public.
- Broadcast watches and warnings of natural disasters prepared by NOAA, and radiological emergency warnings approved by the States, over NOAA Weather Radio and other NOAA dissemination systems.
- Provide current and forecast meteorological information about wind speed and direction, low level stability, precipitation, and other meteorological and hydrological factors affecting the transport or dispersion of radioactive materials (gaseous, liquid, particulate).
- Provide information on the marine fisheries resources in any impacted area, through the National Marine Fisheries Service (NMFS), in order to avoid human consumption of contaminated fish. (Marine areas only.)
- Through the Federal Coordinator for Meteorological Services and

Supporting Research, and consistent with provisions of the Office of Management and Budget Circular A-62, serve as the coordinating agent for any multi-agency meteorological aspects of planning the Federal radiological emergency response, including requests for assistance from State and local governments.

5. DOC Response Plan and Procedure References Agency Response Plan

1. National Plan for Radiological Emergencies at Commercial Nuclear Power Plants: Federal Coordinator for Meteorological Services and Supporting Research, National Oceanic and Atmospheric Administration November 1982

6. DOC Specific Authorities

- Department of Commerce Organization Order 25-5B, as amended August 18, 1980

Department of Defense Response Plan Summary

1. Summary of Response Mission
a. The Department of Defense is charged with the safe handling, storage, maintenance, assembly, and transportation of nuclear weapons,

nuclear weapon components, and other radioactive material in DOD custody, and with the safe operation of DOD nuclear facilities. Inherent in this responsibility is the requirement to protect life and property from any health or safety hazards that could ensue from an accident or significant incident associated with these materials or activities. To fulfill these responsibilities, the DOD has issued plans and policy guidance requiring the development of a well-trained and equipped nuclear accident response organization. It should be noted that in order to protect national security information, policy guidance prohibits public release of information that identifies storage locations of nuclear materials, schedules of transportation of nuclear materials, or the schedules of nuclear-powered vessels. When DOD is not the CFA for a radiological emergency it will support the CFA and FEMA, as required, through the Directorate of Military Operations Support (DOMS).

b. The responsibility for onsite Command and Control at the scene of a nuclear accident or significant incident is assigned to:

(1) The Service or Agency in charge of a DOD installation, DOE facility, naval ship, or geographic area where the accident or incident occurs.

(2) The Service or Agency having custody of the material at the time of the accident or significant incident if the accident occurs beyond the boundaries of a DOD installation, DOE facility, naval ship, or geographic area.

c. The National Military Command Center (NMCC) is responsible for initial national-level command and control and response of DOD resources and personnel until conditions have stabilized. Command and Control will be transferred to the responsible Service Operations Center, as Directed by the Secretary of Defense, or his authorized representative. The NMCC will continue to provide information and support as required.

2. Point of Notification at DOD

Contact Person's Title: Deputy Director of Operations (DDO)
Contact Person's Organization: National Military Command Center,
Organization of the Joint Chiefs of Staff

Emergency Phone Number: (202) 697-6340 (24 hours a day), Autovon: 227-6340, FTS: 697-6340.

3. Federal Department or Agency Interfaces

Listed below are DOD's interfaces

with other Federal departments and agencies in responding to a radiological emergency.

Interface description	Agencies	Responsible DOD organization
Status Reports.....	White House Situation Room, EPA, FEMA, USDA, HHS, DOE (CFA), NRC, DOJ.	NMCC.
FRMAP (Notification) DEPA, HHS, USDA, DOC, DOE.....	NMCC.	
FRMAP (Coordination with FRERP).....	DOE.	NMCC.
FRMAP (Liaison).....	FEMA, DOE.	NMCC.
Recovery Plan.....	DOE (CFA), FEMA, NRC.	Dept. of Army.
Information Exchange:		
Public information releases from the JIC.....	FEMA, DOE (CFA), NRC, White House Situation Room, DOE (CFA), NRC.	NMCC, OSD or Service Public Affairs.
Public information releases from headquarters.....	DOE (CFA), NRC, White House Situation Room.	OSD or Service Public Affairs.
Congressional information.....	FEMA, DOE (CFA), NRC.	OSD or Service Public Affairs, Congressional Liaison Offices.
Logistical support for the CFA.....	FEMA.	NMCC or Dept. of Army.
Logistical support for other Federal agencies.....	FEMA.	NMCC or Dept. of Army.
Coordination (onsite/offsite).....	FEMA.	NMCC.
Designation of lead agency official.....	FEMA.	NMCC.
Federal Response Center.....	FEMA.	NMCC.

4. Responsibilities for Assistance to State and Local Governments

a. Offsite authority and responsibilities at a nuclear accident rests with State and local officials. It is important to recognize that for nuclear weapons or weapon component accidents, land may be temporarily placed under effective Federal control by the establishment of a National Defense Area (NDA) or National Security Area (NSA) to protect U.S. government classified materials. These lands will revert back to State control upon disestablishment of the NDA or NSA.

b. The State Governor is responsible for the health, safety, and welfare of individuals within the territorial limits of the State during periods of emergency or crisis and he may be expected to direct measures that must be taken to satisfy that responsibility. The On-scene Commander will assist the State, when possible, in coordination with FEMA, to ensure the public is protected.

c. Within the constraints of national security, provide military assistance in the form of manpower and logistic support, including airlift services, as requested by FEMA.

d. Provide telecommunications support not available from other Federal agencies when requested by FEMA.

5. DOD Response Plan and Procedures References

Agency Response Plan

1. Nuclear Weapon Accident Response Procedures (NARP) Manual—11 March 1983

2. DOD Directive 5100.52 Radiological Assistance in the Event of Accident Involving Radiological Materials—10 March 1983

3. DOD Directive 5230.16 Nuclear Accident and Incident Public Affairs Guidance—7 February 1983

6. DOD SPECIFIC Authorities

- The Atomic Energy Act of 1954, as amended
- Pub. L. 97-351 "Convention on the Physical Protection of Nuclear Material Implementation Act of 1982"

Department of Energy Response Plan Summary (CFA)

1. Summary of Response Mission

The Department of Energy owns and operates a variety of fixed nuclear facilities and activities throughout the United States. Most of these facilities are located on large, government-owned reservations, and are operated by

extensive technical staffs under the direction of DOE. Subject to review and concurrence by DOE headquarters, DOE officials at these field facilities are responsible for the preparation of emergency plans and procedures for all nuclear activities under their jurisdiction. DOE field officials have the authority to initiate immediate emergency response procedures, direct emergency shut down operations, or place in safe condition, the nuclear facilities and activities under their cognizance. DOE is a Cognizant Federal Agency for nuclear activities under its jurisdiction. All field emergency activities are coordinated with appropriate headquarters officials, including the Director, Emergency Action and Coordination Team (EACT).

DOE field officials are also required to assist State and local authorities, within the constraints of national security and in coordination with FEMA, in the preparation of those portions of their radiological emergency plans related to DOE nuclear facilities.

As part of its preparedness activities, DOE maintains extensive, field-based radiological emergency response resources for deployment under the FRMAP.

2. Point of Notification at DOE Headquarters

Contact Person's Title: Emergency Coordinator
Contact Person's Office: DOE Emergency Operations Center (EOC)
Contact Person's Emergency Location: DOE EOC
Emergency and Office Phone Number: (301) 353-5555; FTS 233-5555

3. Federal Department or Agency Interfaces

Listed below are the DOE's interfaces with other Federal departments or agencies in responding to a radiological emergency at a DOE facility:

Interface description	Agencies	Responsible DOE organization
Status Reports.....	DOC, DOD, NRC, EPA, FEMA, HHS, HUD, DOI, NCS, DOT, USDA.	Emergency action and coordination team (EACT), field.
Information Exchange.....	DOC, DOD, NRC, EPA, FEMA, HHS, HUD, DOI, NCS, DOT, USDA.	EACT, field.
Public information releases from headquarters, public information releases from JIC.	DOC, DOD, NRC, EPA, FEMA, HHS, HUD, DOI, NCS, DOT, USDA.	EACT, Assistant Secretary for Congressional, Intergovernmental and Public Affairs (ASCP) or field.
Congressional information.....	DOC, DOD, NRC, EPA, FEMA, HHS, HUD, DOI, NCS, DOT, USDA.	ASCP.
Notification (CFA).....	FEMA, NRC, EPA, HHS.	EACT, field.
PAR (Development).....	FEMA, NRC, EPA, HHS, USDA.	
FRMAP (Resources).....	NRC, EPA.	EACT, field.
Impact assessment (health).....	HHS, EPA.	Field, EACT.

Interface description	Agencies	Responsible DOE organization
PAR (presentation) Notification (procedures), logistical support for other Federal agencies, coordination (onsite/offsite), information exchange, White House information, designation of agency's lead official, international cooperation (CFA) Federal Response Center.	FEMA	Field, EACT.
Recovery Plan	DOD (CFA), NRC	As designated.

4. Responsibilities for Assistance to State and Local Governments

- Assess the nature and extent of the radiological emergency and its potential offsite effects on public health and safety. Advise the State and local agencies based on this assessment.
- Develop Federal recommendations on protective actions for State and local governments that consider, as appropriate, all substantive views of other Federal agencies. Whenever possible, coordinate presentation of protective action recommendations with FEMA prior to or during their presentation to appropriate State and local officials (the State Governor or his designated representative), except in situations of imminent peril to the public health and safety where the DOE may be required to make independent contact with State and local officials.
- Provide for the release of public information concerning the radiological emergency, except for the release of information classified for national security purposes. Coordinate such releases to the extent possible with the Senior FEMA Official, other Federal agencies, and the State to provide consistent and accurate information to the public by the most expeditious means.

5. DOE Response Plan and Procedure References

- Emergency Planning, Preparedness, and Response for Operations*, Order DOE 5500.2, August 1981.
- Reactor and Nonreactor Facility Emergency Planning, Preparedness and Response Program for Department of Energy Operations*, Order DOE 5500.3, August 1981.
- Public Affairs Policy and Planning Requirements for Emergencies*, Order DOE 5500.4, August 1981.
- Response to Accidents and Significant Incidents Involving Nuclear Weapons*, Order DOE 5530.1, January 1983.
- 6. DOE Specific Authorities**
 - Atomic Energy Act of 1954 as amended*
 - Energy Reorganization Act of 1974*
 - Department of Energy Organization Act of 1977*

Department of Energy Response Plan Summary (FRMAP)

1. Summary of Response Mission

Independent of its responsibilities as a CFA, the Department of Energy (DOE) maintains and implements, during the initial phase of a radiological emergency, the Federal Radiological Monitoring and Assessment Plan (FRMAP). Under FRMAP DOE provides and coordinates offsite radiological monitoring and assessment support to State and local governments. DOE's support is augmented by several other Federal agencies including FEMA, NRC, EPA, HHS, USDA, DOC, DOD, and DOI. The FRMAP establishes the framework for coordinating the monitoring and

Interface description	Agencies	Responsible DOE organization
Status reports	NRC (CFA), EPA, FEMA, DOC, USDA, HHS, DOI, DOD (CFA), DOE (CFA)	Radiological assistance program team (RAP).
FRMAP (notification)	EPA, HHS, USDA, DOC, DOT, DOI, DOD (CFA), NRC (CFA), DOE (CFA)	Emergency action and coordination team (EACT), RAP team.
FRMAP (coordination with FRERP)	EPA, HHS, USDA, DOC, DOI, DOD, NRC, DOE	RAP team.
FRMAP (liaison)	EPA, FEMA, NRC, DOD, DOE, (CFA)	RAP team.
FRMAP (monitoring results)	NRC (CFA), DOD (CFA), DOE (CFA)	RAP team.
FRMAP (transition)	EPA	EACT, RAP team.
FRMAP (coordination with FRERP)	FEMA	RAP team.
Recovery plan	DOD (CFA), NRC (CFA), DOE (CFA), FEMA	As designated.
Information exchange, public information releases from the JIC	FEMA, NRC (CFA), DOD (CFA), DOE (CFA)	RAP team.
Public information releases from headquarters	NRC (CFA), DOD (CFA), DOE (CFA)	EACT.
Congressional information	FEMA, NRC (CFA), DOD (CFA), DOE (CFA)	ASCP.
PAR (development)	NRC (CFA), DOD (CFA), DOE (CFA)	RAP team.
Radiation victim care advice	HHS	Radiological Emergency Assistance Center/ training site (REAC/TS), RAP team.
Logistical support for other Federal agencies	FEMA	
Coordination (offsite)	FEMA	
Designation of lead agency official	FEMA	EACT.
Federal Response Center	FEMA	RAP team.

4. Responsibilities for Assistance to State and Local Governments

- Coordinate the offsite radiological monitoring, assessment, evaluation, and reporting of all Federal agencies during the initial phases of an incident, and maintain liaison with State and local agencies with similar responsibilities.
 - Maintain a common set of offsite radiological monitoring data, and provide it with interpretation to the CFA and to appropriate State and local

assessment activities of the Federal agencies. DOE is responsible for maintaining the FRMAP and for ensuring its implementation during the emergency phase of a radiological incident.

2. Point of Notification at DOE Headquarters

Contact Person's Title: Duty Office
 Contact Person's Organization: Emergency Action and Coordination Team
 Contact Person's Emergency location: Emergency Operations Center
 Emergency Phone Number: (301) 353-1555; FTS 233-555 (24 hours a day)

3. Federal Department or Agency Interfaces

Listed below are the DOE's interfaces with other Federal agencies and departments in responding to a radiological emergency. DOE's Radiological Control Division is largely responsible for coordinating DOE's response effort within DOE and among the Federal agencies.

agencies requiring direct knowledge of radiological conditions.

- Provide HHS and other Federal, State, and local agencies with technical and medical advice concerning treatment of radiological contamination, if requested.

5. DOE Response Plan and Procedure References

Agency Response Plan: 1. The Federal Radiological Monitoring and

Assessment Plan Chapter III of the FRERP.

Interagency Procedures:

1. *Joint DOD, DOE, and FEMA Agreement for Response to Nuclear Weapons Accidents and Nuclear Weapons Significant Incidents*, January 1981.

2. *Agreement between ERDA and NRC for Planning, Preparedness, and Response to Emergencies*, March 8, 1977.

3. *Operational Response Procedures (ORPs) Developed Between HHS, DOE, EPA, and the NRC*, 1983.

4. *DOE-EPA Letter of Agreement on Notification of Incidents at DOE Facilities*, January 18, 1978.

5. *National Plan for Radiological Emergencies at Commercial Nuclear Power Plants*, DOC-NOAA, November 1982.

6. DOE Specific Authorities

- *The Energy Reorganization Act of 1974* (Pub. L. 93-438).
- *The Department of Energy Organization Act of 1977* (Pub. L. 95-91).

Department of Health and Human Services Response Plan Summary

1. Summary of Response Mission

In a radiological emergency, the Department of Health and Human Services (HHS) assists with the assessment, preservation, and protection of human health and helps ensure the availability of essential human services. HHS provides technical and nontechnical assistance in the form of advice, guidance, and resources to Federal, State, and local governments.

2. Point of Notification at HHS Headquarters

Contact Person's Title: Emergency Coordinator

Contact Person's Division: Division of Emergency Coordination⁵

Contact Person's Emergency Location: Emergency Operating Center, Room 3B-10, Hubert H. Humphrey Building, Washington, D.C. 20201
Emergency and Office Phone Number: (202) 245-0645

3. Federal Department or Agency Interfaces

Listed below are HHS's interfaces with other Federal departments and agencies in responding to a radiological emergency.

⁵ The Emergency and Epidemiological Operations Branch (EEOB) and the Office of Health Physics (OHP), Food and Drug Administration (FDA), Public Health Service, have made special arrangements with the Cognizant Federal Agencies (CFAs) for direct notification in a radiological emergency.

Interface description	Agencies	Responsible HHS organization
Notification (FEMA)	FEMA	Emergency coordinator, regional emergency coordinator.
Status reports	FEMA, DOD (CFA), DOE (not as CFA), DOE (CFA), NRC.	Emergency coordinator, regional emergency coordinator.
Information exchange, logistical support for other Federal agencies.	FEMA	Emergency coordinator, regional emergency coordinator, operating division(s).
Coordination (offsite)	FEMA	Regional emergency coordinator, Social Security Administration (SSA), Office of Program Coordination and Review (OPCR).
Coordination (liaison)	USDA	Public Health Service.
Information requirements	DOD (CFA), DOE (CFA), NRC, FEMA	Office of the Secretary.
Designation of lead agency official	FEMA	Office of the Secretary (OS).
Public information releases from headquarters, public information releases from the JIC.	DOD (CFA), DOE (CFA), NRC (CFA), FEMA	Office of Public Affairs/OS.
Congressional information	DOD (CFA), DOE (CFA), NRC (CFA), FEMA	Office of Legislative Liaison/OS.
Recovery plan	DOD (CFA), DOE (CFA), NRC (CFA), FEMA	Public Health Service (CDC/FDA/HRSA), SSA.
Federal Response Center	FEMA	Regional emergency coordinator.
PAR (Development)	DOD (CFA), DOE (CFA), NRC (CFA), USDA	Public Health Service (CDC/FDA/HRSA).
Impact Assessment (Health)	DOD (CFA), DOE (CFA), NRC (CFA)	Public Health Service (CDC/FDA/HRSA).
Impact Assessment (Agriculture)	USDA	Public Health Service (FDA).
FRMAP (Resources)	DOE, EPA	Public Health Service (FDA).
Radiation Victim Care Advice	DOE	Public Health Service (HRSA).
Fishery Product Safety	DOC	
Food Availability Food/Feed Safety Resources Protective Action Measures (Food)	USDA	Public Health Service HDS/OPCR (SSA/OFA), Public Health Service (FDA).
Emergency Shelter Availability	HUD	HDS/OPCR.

4. Responsibilities for Assistance to State and Local Governments

• Assist State and local government officials in evacuating and relocating persons from the affected area as requested. Ensure the availability of health and medical care, food, emergency shelter, clothing, and other human services, especially for the aged, the poor, the infirm, the blind, and others most in need;

• Provide grants for crisis counseling to victims in affected geographic areas;

• Provide guidance to State and local officials on the use of radio-protective substances (e.g., thyroid blocking agents), including dosage and also projected radiation doses that warrant the use of such drugs;

• Based on information from DOE/Oak Ridge REACS personnel, advise medical care personnel regarding proper medical treatment of people exposed to or contaminated by radioactive materials;

• Provide advice and guidance to State and local officials and the CFA, if requested, in assessing the impact of the effects of radiological incidents on the health of persons in the affected area;

• Provide resources, in coordination with the U.S. Department of Agriculture, to ensure that food and animal feeds are safe for consumption;

• Assist, in coordination with the U.S. Department of Agriculture, in developing technical recommendations for State and local officials regarding protective measures related to food and animal feed;

• Provide guidance to State and local governments on protective action guides for food and animal feeds; and

• Conduct epidemiological surveys and implement communicable disease control measures.

5. HHS response Plan and Procedure References

Agency Response Plan: 1. The Department of Health and Human Services Response Plan for Radiological Emergencies (Draft). Division of Emergency Coordination, March 14, 1983.

Interagency Procedures:

1. *Delegation of Authority—Emergency Preparedness Functions*, Division of Emergency Coordination, December 21, 1981.

2. *Emergency Planning and Operations Manual*, Division of Emergency Coordination, July 1, 1983.

3. *Disaster Response Guides*, Operating Divisions, Various Dates.

6. HHS Specific Authorities

- *Older Americans Act*.
- *Public Health Service Act*.
- *Food, Drug, and Cosmetic Act of 1938*.
- *Snyder Act*, 25 U.S.C. 13 (1921).
- *Transfer Act*, Pub. L. 83-568.
- *Indian Health Care and Improvement Act*, (Pub. L. 14-437).
- *Federal Civil Defense Act of 1950*.
- *Disaster Relief Act of 1974* (Pub. L.

93-288), Section 413, Crisis Counseling, Administration, Training.

Department of Housing and Urban Development Response Plan Summary

1. Summary of Responses Mission

The Department of Housing and Urban Development (HUD) provides information on available housing for disaster victims or displaced persons. HUD assists in planning for and placing homeless victims by providing emergency housing and technical and support staff within available resources.

2. Point of Notification at HUD Headquarters

Contact Person's Title: Emergency Coordinator

Contact Person's Office: Emergency Preparedness Staff (EPS)

Contact Person's Emergency Location: Emergency Preparedness Staff

Emergency Phone Number: (202) 755-6417 (after hours)

Office Phone Number: (202) 755-6020

3. Federal Department or Agency Interfaces

Listed below are HUD's interfaces with other Federal departments or agencies in responding to a radiological emergency.

Interface description	Agencies	Responsible HUD organization
Notification, coordination (offsite), logistical support to other Federal agencies, information exchange, Federal Response Center.	FEMA	Emergency preparedness staff.
Information requirements	FEMA, NRC (CFA), DOD (CFA), DOE (CFA), OOD (CFA), DOE (CFA), NRC (CFA), FEMA.	Emergency preparedness staff. Office of Public Affairs.
Public information releases from headquarters, public information releases from the JIC.	DOD (CFA), DOE (CFA), NRC (CFA), FEMA.	Office of Legislation and Congressional Relations.
Congressional information		
Emergency shelter availability	HHS	Emergency preparedness staff.
Transportation to emergency housing advice	DOT	Emergency preparedness staff.
Recovery plan	DOD (CFA), DOE (CFA), NRC (CFA), FEMA.	Emergency preparedness staff.

4. Responsibilities for Assistance to State and Local Governments

- Review and report on available housing for disaster victims and displaced persons.
- Assist in planning for and placing homeless victims in available housing.
- Provide emergency housing support staff within available resources.
- Provide technical housing assistance and advisory personnel to State and local authorities.

5. HUD Response Plan and Procedure References

Agency Response Plan: 1. HUD FRERP, Office of Emergency Preparedness, September 30, 1983.

6. HUD Specific Authorities

None.

Department of The Interior Response Plan Summary

1. Summary of Response Mission

The Department of the Interior manages over 500 million acres of Federal lands and thousands of Federal natural resources facilities, and is responsible for these lands and facilities when they are threatened by a radiological emergency. In addition, the Department coordinates emergency response plans for Interior-managed park and recreation areas with State and local authorities, and operates Interior water resources projects to protect municipal and agricultural water supplies in cases of radiological emergencies. The Department provides advice and assistance concerning hydrologic and natural resources, including fish and wildlife, to Federal,

State and local governments upon request. It also has certain responsibilities for the island territories of the United States.

2. Headquarters Point of Notification

Contact Person's Title: Director, Office of Environmental Project Review (OEPR)

Contact Person's Office: Office of the Secretary, Department of the Interior, Room 4256, Interior Building, Washington, DC 20240

Emergency Phone Number: FTS 343-3891; COMM 202-343-3891 (Office), COMM 202-248-8259 (Residence), COMM 202-533-0488 (Alternate Residence), FTS 426-6600; COMM 202-426-6600 (U.S. Park Police 24-hour emergency number)

3. Federal Department or Agency Interfaces

Description	FRERP Agency	Responsible DOI organization
Notification, coordination (offsite), information exchange, logistical support to other Federal agencies.	FEMA	OEPR.
Designation of lead agency official, status reports, and information requirements.	DOD (CFA), DOE (CFA), NRC	OEPR.
Public information releases from headquarters, public information releases from JIC.	DOD (CFA), DOE (CFA), NRC	Office of Public Affairs.

Description	FRERP Agency	Responsible DOI organization
Congressional information.....	DOD (CFA), DOE (CFA), NRC.....	Office of Congressional Liaison.
FRMAP (resources).....	DOE, EPA.....	U.S. Geological Survey.

4. State and Local Government Assistance

- Provide hydrologic advice and assistance, including monitoring personnel, equipment, and laboratory support.
- Provide advice and assistance in assessing and minimizing offsite consequences on natural resources, including fish and wildlife.
- Provide economic, social, and political advice and assistance to the territories of Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands (interim).

5. DOI Response Plan and Procedure References

Agency Response Plan:

1. 910 DM 5 (Draft)—Interior Emergency Operations, Federal Radiological Emergency Response Plan.
2. 296 DM 3 (Draft)—Interior Emergency Delegations, Radiological Emergencies.

6. DOI Specific Authorities

- Act of 1894 providing for gauging streams and determining the water supplies of the U.S. (28 Stat. 398).
- The Reclamation Act of 1902, as amended (43 U.S.C. 391), and project authorization acts.
- National Park Service Act of 1919 (16 U.S.C. 1), and park enabling acts.
- The Snyder Act of 1921, as amended (25 U.S.C. 13), including assistance to Indian tribes.
- National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668), and refuge enabling acts.
- Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701).

Department of Transportation Response Plan Summary

1. Summary of Response Mission

The Department of Transportation Radiological Emergency Response Plan (the plan) provides for assistance to State and local governments when a non-defense radiological emergency occurs that has adversely affected any one or more of the several transportation modes. The assistance will be in response to a request from a state and local jurisdiction when a determination has been made that their civil transportation technical or logistical resources are insufficient to

adequately handle the requirements created by a radiological emergency.

2. Point of Notification at DOT Headquarters

Contact Person's Title: Director of Transportation

Contact Person's Office: Office of Emergency Transportation

Interface description	Agencies	Responsible DOT organization
Status reports.....	DOE (CFA), DOE (CFA), NRC, FEMA.	Crisis coordinator.
Notification, information exchange, logistical support for other Federal agencies, coordination of lead agency official.	FEMA.....	Office of Emergency Transportation.
Information requirements.....	FEMA, DOD (CFA), DOE (CFA), NRC.	Office of Emergency Transportation.
Public information release from the JIC, public information release from headquarters.	DOD (CFA), DOE (CFA), NRC, FEMA.	Office of Public Affairs.
Congressional information.....	DOD (CFA), DOE (CFA), NRC (CFA), FEMA.	Office of Congressional Affairs.
Federal Response Center.....	FEMA.....	Crisis coordinator, regional emergency transportation coordination (RETCCO).
Transportation to emergency housing advise.....	HUD.....	Office of Emergency Transportation (RETCCO).

4. Responsibilities for Assistance to State and Local Governments

- Maintain capability and resources to respond to a request for assistance in a non-defense radiological emergency.
- Provide civil transportation technical and/or logistical resources.
- Coordinate the Federal transportation response in support of emergency transportation plans and actions of State and local authorities.
- Provide, through Regional Emergency Transportation Coordinators (RETCCOs), representation to State and local transportation authorities.

5. DOT Response Plan and Procedure References

Agency Response Plan: 1. Department of transportation (DOT) Radiological Emergency Response Plan for Non-Defense Emergencies, November 1983.

Intra-Agency Procedures:

1. DOT Order 1900.7C, DOT Crisis Action Plan.
2. DOT Order 1950.1A, Reports on Non-Defense Transportation Emergencies.

6. DOT Specific Authorities

- Pub. L. 89-670, 1966, the Department of Transportation Act.
- Code of Federal Regulations (44 CFR Part 351), Radiological Planning

Contact Persons's Emergency Location: Headquarters, U.S. Department of Transportation, Washington, D.C. 20590

Emergency Phone Number: (202) 426-

1830, DOT (USCG) Duty Officer

Office Phone Number: (202) 426-4262

3. Federal Department or Agency Interfaces

Listed below are DOT's interfaces with other Federal agencies and departments in responding to a non-defense radiological emergency.

and Preparedness—Final Regulations, § 351.25—the Department of Transportation.

Environmental Protection Agency Response Plan Summary

1. Summary of Response Mission

The Environmental Protection Agency (EPA) assists State and local governments during radiological emergencies in environmental and water supply monitoring, consequence assessment, and protective action decisions. These services may be provided at the request of the Federal or State government, or EPA may respond unilaterally to an emergency in order to fulfill its statutory responsibilities.

2. Point of Notification at EPA Headquarters

Contact Person's Title: Radiological Response Coordinator

Contact Person's Office: Office of Radiation Programs (ORP)

Contact Person's Emergency Location: Emergency Operations Center

	FTS	Commercial
Emergency phone numbers.....	557-7300 FAX 235-9027	(703) 557-7390 (DEX-4100)

3. Federal Department or Agency Interfaces

Listed below are EPA's interfaces with other Federal departments or

agencies in responding to a radiological emergency.

Interface description	Agencies	Responsible EPA organization
Status reports.....	DOD (CFA), DOE (CFA), NRC (CFA), FEMA, HHS, DOC, DOD, DOE, DOI, DOT, NRC, USDA.	Office of Radiation Programs (ORP).
FRMAP (notification), FRMAP (resources), FRMAP (monitoring results), FRMAP (coordination with FRERP), FRMAP (transition), FRMAP (liaison).	DOI, DOD, USDA	ORP.
Water.....	DOD (CFA), DOE (CFA), NRC (CFA).	ORP.
Impact assessment (Agriculture).....	DOD (CFA), DOE (CFA), NRC (CFA), FEMA.	ORP.
PAR (development).....	DOD (CFA), DOE (CFA), NRC (CFA), FEMA.	ORP.
Information requirements.....	DOD (CFA), DOE (CFA), NRC (CFA), FEMA.	Office of Press Services.
Public information releases from headquarters, public information releases from JIC, congressional information, information exchange, logistical support for other Federal agencies, coordination (offsite), designation of lead agency official, Federal Response Center.	FEMA	ORP.
Recovery plan.....	DOD (CFA), DOE (CFA), NRC (CFA), FEMA.	ORP.

4. Responsibilities For Assistance to State and Local Governments

- Provide resources including personnel, equipment, and laboratory support to assist DOE in monitoring radioactivity levels in the environment during the emergency phase of the incident.
- Assume responsibility from DOE for coordinating intermediate and longterm radiological monitoring after the initial phase of the emergency after receiving adequate assurance from the Department of Energy and other Federal agencies that they will commit the required resources, personnel, and funds for the duration of the Federal response effort.
- Assess the nature and extent of the environmental radiation hazard.
- Provide guidance to Federal agencies and State and local governments on acceptable emergency levels of radioactivity and radiation in the environment.
- Assist the Cognizant Federal Agency (CFA), as requested, in developing recommendations measures to protect the public health and safety.

5. EPA Response Plan and Procedure References

Agency Response Plan: 1. U.S. Environmental Protection Agency Radiological Emergency Response Plan, Office of Radiation Programs, January 30, 1981.

Interagency Procedures:

1. Manual of Protective Action Guides and Protective Actions for Nuclear Incident, Office of Radiation Programs, September 1975.

2. Standard Operating Procedures for Radiological Emergency Response, Appendix 2 to the EPA Radiological

Emergency Response Plan, Office of Air, Noise, and Radiation, June 1982.

3. Memorandum of Understanding Between the Federal Emergency Management Agency and the Environmental Protection Agency Concerning the Use of High Frequency Radio for Radiological Emergency Response, under development), Office of Radiation Programs, Environmental Protection Agency.

6. EPA Specific Authorities

- President's Reorganization Plan No. 3, December 2, 1970.
- Public Health Service Act, as amended, 42 U.S.C. 241, Section 301, and 42 U.S.C. 243, Section 311.

• Clean Water Act, as amended in 1977, Section 504 (b)(1).

Federal Emergency Management Agency Response Plan Summary

1. Summary of Response Mission

FEMA is responsible for coordinating the Federal response to all radiological emergencies that require a significant, multi-agency Federal presence. FEMA's coordination role promotes an effective and efficient response by Federal agencies at both the national level and at the scene of the emergency. Coordination is achieved at the national level by FEMA through use of FEMA's Emergency Support Team (EST) and at the scene of the emergency between Federal, State, and local agencies by FEMA's Emergency Response Team (ERT).

2. Point of Notification at FEMA Headquarters

Contract Person's Title: Emergency Action Officer
Contact Person's Office: Office of Emergency Operations
Contact Person's Emergency Location: Emergency Information and Coordination Center (EICC)
Emergency and Office Phone Number: (202) 634-7800

3. Federal Department or Agency Interfaces

List below are FEMA's interfaces with other Federal departments or agencies in responding to a radiological emergency.

Interface description	Agencies	Responsible FEMA organization(s)
Notification (procedures).....	DOD (CFA), DOE (CFA), NRC (CFA), EPA, HHS, HUD, NCS, NRC, USDA.	EICC.
Notification.....	DOC, DOI, DOT, DOD (CFA), DOE (CFA), EPA, HHS, HUD, NCS, NRC, USDA.	EICC.
Status reports.....	DOC, DOI, DOT, EPA, HHS, HUD, NCS, USDA.	Emergency response team (ERT), emergency support team (EST).
Federal Response Center.....	DOC, DOI, DOT, DOD (CFA), DOE (CFA), NRC, EPA, HHS, HUD, NCS, USDA.	ERT.
Information exchange.....	DOC, DOI, DOT, DOD (CFA), DOE (CFA), EPA, HHS, HUD, NCS, NRC, USDA.	ERT, EST.
Logistical support for CFA and for other Federal agencies.....	DOC, DOI, DOT, DOD (CFA), DOE (CFA), EPA, HHS, HUD, NCS, NRC, USDA.	ERT, EST.
PAR (development), PAR (presentation).....	DOD (CFA), DOE (CFA), NRC (CFA), EPA	ERT.
FRMAP (coordination with FRERP).....	DOE, EPA	ERT.
FRMAP (liaison).....	DOE, EPA	ERT.
Coordination (onsite/offsite).....	DOD (CFA), DOE (CFA), NRC (CFA), EPA, HHS, HUD, NCS, NRC, USDA.	ERT.
Coordination (offsite).....	DOC, DOI, DOT, EPA, HHS, HUD, NCS, USDA.	ERT, EST.
Information requirements.....	DOC, DOI, DOT, DOD (CFA), DOE (CFA), EPA, HHS, HUD, NCS, NRC, USDA.	EICC and EST.
Designation of lead agency official.....	DOC, DOI, DOT, DOD (CFA), DOE (CFA), EPA, HHS, HUD, NCS, NRC, USDA.	Emergency operations.
Public information releases from headquarters, public information releases from JIC.	DOC, DOI, DOT, DOD (CFA), DOE (CFA), EPA, HHS, HUD, NCS, NRC, USDA.	EST, ERT (respectively).

Interface description	Agencies	Responsible FEMA organization(s)
Congressional information.....	DOC, DOI, DOT, DOD (CFA), DOE (CFA), EPA, HHS, HUD, NCS, NRC, USDA.	EST, ERT.
White House information.....	DOD (CFA), DOE (CFA), NRC (CFA).	EST.
Recovery plan.....	DOD (CFA), DOE (CFA), NRC, DOC, DOE (non-CFA), DOI, DOT, EPA, HHS, HUD, USDA.	ERT.
International cooperation.....	DOS, DOD (CFA), DOE (CFA), NRC.	EST, ERT.

4. Responsibilities for Assistance to State and Local Governments

• Coordinate assistance to State and local governments among the Federal agencies.

• Coordinate among the Federal agencies all offsite response activities, except those pertaining to the FRMAP, and coordinate these with the onsite activities of the Cognizant Federal Agency.

• Work with the CFA to coordinate the dissemination of public information concerning Federal emergency response activities. Promote the coordination of public information releases with State and local governments, appropriate Federal agencies, and appropriate private sector authorities.

5. FEMA Response Plan and Procedure References

Response Plan:

1. *Headquarters Plan for FEMA Emergency Support Team*, Draft, April 1983.

2. *Guidance for Emergency Response Team Plans*, August 17, 1982.

3. *Emergency Response Team Plans for FEMA Regions I, II, III, IV, V, VI, VII, VIII, IX, and X*. Various dates.

Interagency Procedures:

1. *Operational Response Procedures developed between the Nuclear Regulatory Commission and the Federal Emergency Management Agency* (NUREG-0981; FEMA-51), November 1983.

2. *Memorandum of Understanding for Incident Response between the Federal Emergency Management Agency and the Nuclear Regulatory Commission*, October 22, 1980.

3. *Joint Department of Defense, Department of Energy, and Federal Emergency Management Agency Memorandum of Agreement for Response to Nuclear Weapon Accidents and Nuclear Weapon Significant Incidents Occurring within the United States, its Territories and Possessions*. Undated draft.

6. FEMA Specific Authorities

• *Executive Order 11490*, June 15 1976, as amended.

- *Executive Order 12148*, July 20, 1979.
- *Executive Order 12241*, September 29, 1980.

National Communications System Response Plan Summary

1. Summary of Response Mission

The National Communications System (NCS) coordinates and manages telecommunications support for FEMA during radiological emergencies. The General Services Administration (GSA), as appropriate, assigns a Federal Emergency Communications Coordinator (FECC) to the FEMA Regional Director or Senior FEMA Official (SFO) for telecommunications matters. The FECC provides technical staff support to the FEMA Regional Director and the GSA Regional Emergency Communications Coordinator during the pre-emergency or extraordinary situation planning phase. The FECC assesses the

availability of communications and takes necessary actions to satisfy essential communications requirements in the emergency area. The FECC accomplishes these tasks in conjunction with Federal, State, local, and commercial communications representatives.

2. Point of Notification at NCS Headquarters

Contact Person's Title: Operations Officer

Contact Person's Office: Office of Emergency Preparedness (Operations)

Contact Person's Emergency Location: NCS/DCA Operations Center, 8th St. and South Court House Rd., Arlington, VA 22204

Emergency Phone Numbers:

Commercial or FTS: (202) 692-2718, (202) 692-2539

AUTOVON: 231-1787, 851-1790, 851-3740

Office Phone Numbers: 692-2816 (FTS) 222-2816 (AUTOVON)

Commercial or FTS (FAX): (202) 692-2714

3. Federal Department or Agency Interfaces

Listed below are NCS's interfaces with other Federal departments or agencies in responding to a radiological emergency.

Interface description	Agencies	Responsible NCS organization
Notification.....	FEMA	Emergency preparedness.
Logistical support for other Federal agencies.....	FEMA	Emergency preparedness.
Information exchange.....	FEMA	Emergency preparedness.
Designation of lead agency official.....	FEMA	Emergency preparedness.
Federal Response Center.....	FEMA	Federal Emergency Communications Coordinator (FECC) and staff.
Information requirements.....	DOD (CFA), DOE (CFA), NRC	Emergency preparedness.
Congressional information.....	DOD (CFA), DOE (CFA), NRC, FEMA.	Emergency preparedness.
Public information releases from headquarters.....	DOD (CFA), DOE (CFA), NRC	Emergency preparedness.
Public information releases from the JIC.....	DOD (CFA), DOE (CFA), NRC, (CFA), FEMA.	Emergency preparedness.
Recovery plan.....	DOD (CFA), DOE (CFA), NRC, FEMA.	FECC and staff.

4. Responsibilities for Assistance to State and Local Governments

• Provide and coordinate, in response to a Senior FEMA Official (SFO) or FCO request, the necessary communications for the Federal government response in accordance with the *National Plan for Communications Support in Emergencies and Major Disasters*, July 1983. Be prepared to provide this support prior to a formal declaration of an emergency or major disaster.

• Provide representation to appropriate State agencies to assist in

meeting their communications requirements.

5. NCS Response Plan and Procedure References

Agency Response Plan: 1. *National plan for Communications Support for Emergencies and Major Disasters*, Office of Emergency Preparedness (Operations), July 1983

Interagency Procedures:

1. *Memorandum of Understanding*, GSA and FEMA, January 29, 1980.

2. *Executive Order 12046* (Relates to the transfer of telecommunications functions), The White House, March 27, 1978.

6. NCS Specific Authorities

- *Establishment of the NCS*, Presidential Memorandum, August 21, 1963.
- *Executive Order 11490*, October 30, 1969.
- *Executive Order 12046*, March 27, 1978.
- White House Memorandum, *National Security and Emergency Preparedness; Telecommunications and Management and Coordination Responsibilities*, July 5, 1978.

U.S. Nuclear Regulatory Commission Response Plan Summary

1. Summary of Response Mission

The U.S. Nuclear Regulatory Commission (NRC) regulates the use of by product, source, and special nuclear material, including activities at commercial and research nuclear facilities. If an incident involving NRC-regulated activities poses a significant threat to the public health or safety or environmental quality, the NRC would be the Cognizant Federal Agency (CFA). In such an incident, the NRC is responsible for monitoring the licensee to ensure that appropriate protective action recommendations are being made to offsite authorities in a timely manner. In addition, the NRC will support its licensees and offsite authorities, including confirming the licensee's recommendations to offsite authorities, and will keep the media informed of the NRC's knowledge of the status of the incident. The NRC is also responsible for the development, coordination, and presentation (in conjunction with FEMA) of Federal protective action recommendations and for keeping other Federal agencies and entities informed of the status of the incident.

Consistent with NRC's agreement to participate in FRMAP, the NRC may also be called upon to assist in Federal radiological monitoring and assessment activities during incidents for which it is not the CFA.

2. Point of Notification at NRC Headquarters

Contact Person's Title: Duty Officer
Contact Person's Office: Inspection and Enforcement (I&E)

Contact Person's Emergency Location: NRC Operations Center, Bethesda, Maryland

Emergency and Office Phone Number: (202) 951-0550

3. Federal Department or Agency Interfaces

Listed below are the NRC's interfaces with other Federal departments or

agencies in responding to a radiological emergency.

Interface description	Agencies ¹	Responsible NRC organization
Status reports.....	DOC, DOD, DOE, EPA, FEMA, HHS, HUD, DOI, NCS, DOT, USDA	For all interfaces listed:
Information requirements.....	DOC, DOD, DOE, EPA, FEMA, HHS, HUD, DOI, NCS, DOT, USDA	a. Director of executive team (during initial activation).
Public information releases from headquarters, public information releases from JIC.	DOC, DOD, DOE, EPA, FEMA, HHS, HUD, DOI, NCS, DOT, USDA	b. Director of site operations (during expanded activation).
Congressional information.....	DOC, DOD, DOE, EPA, FEMA, HHS, HUD, DOI, NCS, DOT, USDA	
Notification (CFA).....	FEMA, DOE, EPA, HHS	
PAR (development).....	FEMA, DOE, EPA, HHS, USDA	
FRMAP (resources).....	DOE, EPA	
Impact assessment (health).....	HHS, EPA	
PAR presentation, notification (procedures), logistical support for other Federal agencies, coordination (onsite/offsite), information exchange, White House information, designation of agency's lead official, international cooperation (CFA); Federal Response Center.	FEMA	
Recovery Plan.....	DOE, EPA, HHS, USDA	

¹ Periodic communications will be conducted with those agencies with which NRC has formal agreements, i.e., FEMA, DOE, EPA, HHS. Interfaces with other agencies will occur as required.

4. Responsibilities for Assistance to State and Local Governments

- Assess the nature and extent of the radiological emergency and its potential offsite effects on public health and safety. Advise the State and local agencies based on this assessment.

- Assess the facility operator's recommendations and, if needed, develop Federal recommendations on protective actions for State and local governments that consider, as required, all substantive views of other Federal agencies. Whenever possible, coordinate presentation of protective action recommendations with FEMA prior to or during their presentation to appropriate State and local officials (the State Governor or his designated representative), except in situations of imminent peril to the public health and safety where the NRC may be required to make independent contact with State officials.

- Provide for the release of public information concerning the radiological emergency, except for the release of information classified for national security purposes. Coordinate such releases to the extent possible with the Senior FEMA Official, other Federal agencies, and the State to provide consistent and accurate information to the public by the most expeditious means.

5. NRC Response Plan and Procedure References

Response Plan: 1. NRC Incident Response Plan Revision 1 (NUREG-

0728), NRC Office of Inspection and Enforcement, April 1983.

Interagency Procedures:

1. *Agency Procedures for the NRC Incident Response Plan* (NUREG-0845), NRC Office of Inspection and Enforcement, February 1983.
2. *Operational Response Procedures Developed Between NRC and FEMA* (NUREG-0981; FEMA-51), NRC and FEMA, November 1983.
3. *Operational Response Procedures Developed Between NRC, EPA, HHS, and DOE*, 1982.

6. NRC Specific Authorities

- Atomic Energy Act of 1954, as amended.
- Energy Reorganization Act of 1974.
- 10 CFR Parts 0 to 199.

U.S. Department of Agriculture Response Plan Summary

1. Summary of Response Mission

The United States Department of Agriculture (USDA) is responsible for assisting State and local governments in developing agricultural protective measures and damage assessments. Other radiological emergency responsibilities of the USDA include: Providing for the procurement of food for emergency feeding programs; ensuring that meat and meat products, poultry and poultry products, and eggs and egg products are safe for public consumption; and providing technical information and advice to farmers to aid in their recovery from the emergency.

2. Point of Notification at USDA Headquarters

Contact Person's Title: USDA Radiological Emergency Coordinator, Director, Intergovernmental Affairs, Room 102-A, Administration Building, Washington, D.C. 20250
Emergency Phone Numbers: FTS 447-6643 (Days) (202) 537-0392 (Residence)

Alternative Contact Person's Title: Lead Agency Official for Radiological Response, Office of Emergency Planning, Food Safety and Inspection Service, 300 12th Street, S.W., Washington, D.C. 20250
Emergency Phone Number: FTS 475-3683 (Days) (301) 461-2237 (Evenings)

Safety and Inspection Service, April 1983.

6. USDA Specific Authorities

- Title 7, U.S.C.

V. Federal Radiological Emergency Preparedness

Federal agencies must be prepared to respond to radiological emergencies. This section addresses those actions Federal agencies must take to maintain a high degree of preparedness. Taking these actions will ensure that the Federal government can respond effectively to a radiological emergency. These actions fall into three categories: emergency planning, training and exercises, and resource maintenance.

A. Emergency Planning

1. *Agency Plans.* Agency plans will show the title or organizational units of personnel responsible for maintaining the plan. Plans should reference all supporting documents and procedures, and describe a process for review and update to accommodate changes suggested either by exercises or by actual responses to radiological emergencies.

To promote continued uniformity and consistency in agency plans and procedures, and to ensure that FEMA has access to the most up-to-date version of each agency's response plan, agencies will periodically provide copies of their most current offsite plans and associated procedures to the Director, FEMA. CFAs in particular will continue to provide FEMA those portions of their response plans that address the interface between the onsite and offsite response activities.

2. *FRERP.* The FRERP will be revised, if necessary, as a result of an actual emergency or multi-agency Federal exercises. Individual Federal agencies' response plans and implementing procedures have been reviewed and are consistent with this overall response plan. Therefore, the Federal government is prepared to respond effectively to a radiological emergency.

B. Training and Exercises

1. *Federal Agency Training.* An effective response to nuclear incidents depends on the availability of skilled, well-trained personnel. Agencies will provide for training and exercises, promulgate training schedules, and supply necessary training materials and resources.

2. *Interagency Exercises.* Agencies will also participate in interagency exercises, including periodic exercises of the FRERP. Such exercises will cover

Interface description	Agencies	Responsible USDA organization
Notification (FEMA)	FEMA	Governmental and Public Affairs (GPA)/Office of Intergovernmental Affairs (OIA) Food Safety and Inspection Service (FSIS).
Status reports	DOD (CFA), DOE (CFA), NRC, FEMA	FSIS.
Information requirements	DOD (CFA), DOE (CFA), NRC, FEMA	GPA/OIA, FSIS.
PAR (development)	DOD (CFA), DOE (CFA), NRC, HHS	GPA/OIA, FSIS.
Public information releases from headquarters	DOD (CFA), DOE (CFA), NRC	GPA/Office Of Information (OI).
Public information releases from Joint Information Center (JIC)	DOD (CFA), DOE (CFA), NRC, FEMA	GPA/OI.
Congressional information	DOD (CFA), DOE (CFA), NRC	GPA/congressional relations (CR).
Coordination (offsite)	FEMA, HHS	GPA/OIA, FSIS.
Information exchange, designation of lead agency official, and logistical support for other Federal agencies.	FEMA	GPA/OIA, FSIS, Office of Operations (OO).
FRMAP (notification)	DOE, EPA	GPA/OIA, FSIS food and agriculture councils (FAC) will be activated as necessary. (FAC are composed of the various USDA agencies operating at the State and local levels.)
Impact assessment (Agriculture)	HHS, EPA	GPA/OIA, FSIS/FAC will be activated as necessary.
Protective action, food/feed availability, food/feed safety resources.	HHS	GPA/OIA, FSIS/FAC will be activated as necessary.
Water	DOI	GPA/OIA, FSIS/FAC will be activated as necessary.

4. Responsibilities for Assistance to State and Local Governments

- Provide emergency food coupon assistance in officially designated disaster areas whenever local authorities report increasing needs.
- Assist in providing livestock feed.
- Provide assistance through regular USDA programs if legally adaptable to radiological emergencies.
- Ensure the purity and wholesomeness of meat and meat products, poultry and poultry products, and eggs and egg products.
- Provide for the procurement of food.
- Assist State and local officials, in coordination with HHS, in the implementation of protective measures to minimize contamination through food ingestion.
- Monitor, in coordination with HHS, emergency production, processing, and distribution of food during a radiological

emergency, and assess damage to agricultural resources.

- Provide advice to State and local officials on how to minimize losses to agricultural resources from radiation effects.
- Advise and assist State and local officials on the disposition of livestock and poultry affected by radiation. Coordinate this action with the EPA and HHS.
- Provide a liaison to State agricultural agencies to keep State and local officials informed of Federal efforts.
- Provide information and assistance to farmers and others in developing disaster plans and returning to normalcy after a disaster.

5. USDA Response Plan and Procedure References

1. *USDA Radiological Emergency Preparedness Response Plan*, Food

the following types of emergencies encompassed by the FRERP: NRC-licensed commercial nuclear power plant accidents, transportation of nuclear material accidents, DOD- and DOE-owned nuclear facility accidents, nuclear weapon accidents or nuclear weapon significant incidents, unplanned nuclear powered satellite re-entry incidents, and any other type of radiological emergency for which a State might request Federal assistance. These exercises will be organized and coordinated primarily by FEMA, in conjunction with a CFA, and may include both headquarters and field responses. Such exercises will be designed to determine if Federal agencies can coordinate their response activities effectively with other agencies in carrying out their responsibilities as outlined in the FRERP.

Thus, agency plans should make provisions for exercises that will test:

- Intra-agency procedures and operations; and
- Agency interfaces and coordination points.

C. Emergency Preparedness Resource Maintenance

Federal agencies will maintain adequate resources to carry out all agency responsibilities and interfaces described under this plan. Any limitations in the ability of a Federal agency to implement its responsibilities and interfaces as described in this plan should be brought to the immediate attention of the Director, FEMA.

*Abbreviations**

ARAC Atmospheric Release Advisory Capability
CFA Cognizant Federal Agency
CFAO Cognizant Federal Agency Official
CFR Code of Federal Regulations
CHEMTREC Chemical Transportation Emergency Center
CLO Congressional Liaison Officer
DOC Department of Commerce
DOD Department of Defense
DOE Department of Energy
DOI Department of the Interior
DOJ/FBI Department of Justice/
Federal Bureau of Investigation
DOT Department of Transportation
DSFO Deputy Senior FEMA Official
DSO Director of Site Operations, NRC
EACT Emergency Action and Coordination Team, DOE
EICC Emergency Information and Coordination Center, FEMA
EOC Emergency Operations Center, DOE

EOF Emergency Operations Facility, Licensee
EPA Environmental Protection Agency
FDA Food and Drug Administration
FEMA Federal Emergency Management Agency
FRERP Federal Radiological Emergency Response Plan
FRMAC Federal Radiological Monitoring and Assessment Center, DOE or EPA
FRMAP Federal Radiological Monitoring and Assessment Plan (DOE)
FRPCC Federal Radiological Preparedness Coordinating Committee
HHS Department of Health and Human Services
HUD Department of Housing and Urban Development
ICRA Interagency Committee on Radiological Assistance
IRAP Interagency Radiological Assistance Plan
JIC Joint Information Center
JNACC Joint Nuclear Accident Coordinating Center
LAO Lead Agency Official
LNO Liaison Officer
NCS National Communications System
NOAA National Oceanic and Atmospheric Administration, DOC
NRC Nuclear Regulatory Commission
NWS National Weather Service
OSTD Offsite Technical Director, DOE
PAR Protective Action and Re-entry Recommendation
PIO Public Information Officer
RAC Regional Assistance Committee
RAP Radiological Assistance Program, DOE
SCO State Coordinating Officer
SFO Senior FEMA Official
USDA U.S. Department of Agriculture
USGS U.S. Geological Survey

Appendix B—Definitions

Accident Response Group (ARG)—A DOE team of scientists, engineers, and technicians that is trained, organized, and equipped to respond to a nuclear weapons accident/incident.

Agreement State—A State that has entered into an Agreement under the Atomic Energy Act of 1954, as amended, in which the NRC has relinquished to such States the majority of its regulatory authority over source, byproduct, and special nuclear material in quantities not sufficient to form a critical mass.

Assessment—The interpretation of radiological measurements in such a way that the measurements can form a basis for decision-making. Assessment can include making dose or effect predictions and recommending actions that might be taken to minimize harmful effects.

Carrier—A vehicle used to transport radioactive material whether by land, air, or sea.

Cognizant Federal Agency (CFA)—The Federal agency that owns, authorizes, regulates, or is otherwise deemed responsible for the affected facility, carrier, or cargo in the radiological emergency.

Cognizant Federal Agency Official (CFAO)—The lead official designated by the CFA to coordinate its response at the site of a radiological emergency.

Coordinate—To bring into common action so as not to unnecessarily duplicate or omit important actions. The Senior FEMA Official (SFO), and the CFAO act to promote coordination among the responding Federal agencies. When Federal agencies require assistance in coordinating their exchange of information, acquisition of resources, or release of public information, the SFO and his staff will act to help the agencies accomplish these tasks. Coordination does not involve direction of one agency by another.

DOE Emergency Operations Center (EOC)—The center located at DOE headquarters through which DOE's EACT coordinates a FRMAP multi-agency response to a radiological emergency.

DOE Offsite Technical Director (OSTD)—The DOE official designated to coordinate the Federal radiological monitoring and assessment activities under the Federal Radiological Monitoring and Assessment Plan.

DOE Team Leader—The individual designated by the Director of the Emergency Action and Coordination Team (EACT) to manage all DOE field activities in response to an accident/incident if DOE has onsite responsibilities. The DOE Team Leader primarily supervises onsite operations.

Emergency—Any natural or man-caused emergency that results in or may result in substantial injury or harm to the population or substantial damage to or loss of property.

Emergency Action and Coordination Team (EACT)—The DOE senior management team at headquarters that coordinates the initial FRMAP response to radiological emergencies.

Emergency Response Team (ERT)—FEMA team deployed to a radiological emergency scene by the regional or headquarters office to make an initial assessment of the situation and then provide FEMA's primary response capability.

Federal Radiological Monitoring and Assessment Center (FRMAC)—A center at the scene of a radiological emergency

* This Appendix does not include abbreviations that are defined in the Agency Response Plan Summaries (Section IV).

from which the DOE Offsite Technical Director conducts the FRMAP response. This center generally need not be located near the onsite or Federal-State operations centers as long as its operations can be coordinated with them.

Federal Radiological Monitoring and Assessment Plan (FRMAP)—A plan to provide coordinated radiological monitoring and assessment assistance to the State and local governments in response to radiological emergencies. This plan, authorized by 44 CFR Part 351, is a revised version of the Interagency Radiological Assistance Plan.

Fixed Nuclear Facilities—Stationary nuclear installations that use or produce radioactive materials in their normal operations. These facilities include commercial nuclear power plants and other fixed facilities operated, authorized, or regulated by NRC, DOD, DOE, and, in some cases, the States.

Imminent Peril to the Public—A radiological emergency condition where immediate and possibly serious danger threatens the public and time does not permit a fully coordinated response. In these situations, the CFA presents its recommendations for protective actions in accordance with procedures in State emergency plans or, in the absence of such procedures, directly to the Governor or other appropriate offsite authority responsible for implementing public protective actions.

Interagency Committee on Radiological Assistance (ICRA)—A committee consisting of representatives from each of the Federal agencies participating in the FRMAP. ICRA, chaired by DOE, interprets, maintains, and updates the FRMAP, and provides a means for coordination of response capabilities, training activities, exercises, and research and development pertinent to the FRMAP.

Interagency Radiological Assistance Plan (IRAP)—A plan originally published in 1965 by an interagency committee of Federal agency representatives as a means for providing rapid and effective radiological assistance in the event of a peacetime radiological incident.

Joint Information Center (JIC)—A central point of contact for all news media at the scene of the incident. News media representatives are kept informed of activities and events via public information officials from all participating Federal, State, and local agencies who, ideally, are co-located at the JIC.

Joint Nuclear Accident Coordinating Center (JNACC)—A joint DOE/DOD capability at Kirtland Air Force Base,

Albuquerque, New Mexico, responsible for maintaining current information on the location of specialized DOE and DOD teams or organizations capable of providing nuclear weapons accident assistance.

Lead Agency Official (LAO)—The designated official in each participating agency authorized to direct that agency's response to the radiological emergency.

Liaison Officer (LNO)—A Federal agency official sent to another agency to facilitate interagency communications and coordination. An exchange of liaison officers helps to promote overall coordination of the Federal response to radiological emergencies.

License—A license issued to a facility owner or operator by a Federal agency pursuant to the conditions of the *Atomic Energy Act of 1954* (as amended), or issued by an Agreement State pursuant to appropriate State laws. NRC licenses certain activities under Section 170(a) of that Act.

Limited Response—Response to a request for radiological assistance that involves limited DOE or other agency resources and does not require the formal field management structure.

Local Government—Any county, city, village, town, district, or political subdivision of any State, including rural communities and unincorporated towns and villages.

Monitoring—The use of detection equipment to determine the levels of radiation or the presence and concentration of radioactive contamination.

National Contingency Plan—An operations plan required to outline the Federal response to radiological emergencies at commercial nuclear power plants. In Executive Order 12241, the President delegated to FEMA the responsibility for the development and promulgation of such a plan in response to Pub. L. 96-295.

National Defense Area (NDA)—An area established by a DOD official, on non-Federal lands located within the United States, its possessions, or its territories for the purpose of safeguarding classified defense information or protecting DOD equipment or material. Establishment of a National Defense Area temporarily places such non-Federal lands under the effective control of DOD and results only from an emergency event. The senior DOD representative at the scene will define the boundary, mark it with a physical barrier, and post warning signs.

National Radiological Emergency Preparedness/Response Plan for Commercial Nuclear Power Plant Accidents (Master Plan)—Commonly

referred to as the Master Plan, this document was published by FEMA for interim use in December 1980 and represented the first step toward developing Federal radiological emergency response plans and procedures.

National Security Area (NSA)—An area established by DOE on non-Federal lands located within the United States, its possessions, or territories, for the purpose of safeguarding classified or restricted data information, or protecting DOE equipment or material.

Establishment of a NSA temporarily places such non-Federal lands under the effective control of the DOE and results only from an emergency event. The Senior DOE representative having custody of the material at the scene will define the boundary, mark it with a physical barrier, and post warning signs.

Nuclear Emergency Search Team (NEST)—A DOE team of scientists, engineers, and technicians that is trained and organized to provide rapid technical assistance in locating nuclear weapons or materials.

Nuclear Weapon Accident—An unexpected event involving nuclear weapons or radiological nuclear weapon components that results in any of the following:

- Accidental or unauthorized launching, firing, or use by U.S. forces or U.S.-supported allied forces of a nuclear capable weapons system that could create the risk of an outbreak of war;
- Nuclear detonation;
- Non-nuclear detonation or burning of a nuclear weapon or radiological nuclear weapon component;
- Radioactive contamination;
- Seizure, theft, loss, or destruction of a nuclear weapon or radiological nuclear weapon component, including jettisoning; and
- Public hazard, actual or implied.

Nuclear Weapon Significant Incident—An unexpected event involving nuclear weapons or radiological nuclear weapon components which do not fall in the nuclear weapon accident category but:

- Results in evident damage to a nuclear weapon or radiological nuclear weapon component to the extent that major rework, complete replacement, or examination or recertification by the DOE is required;
- Requires immediate action in the interest of safety or nuclear weapons security;
- May result in adverse public reaction (national or international) or premature release of classified information; and

• Could lead to a nuclear weapon accident and warrants high officials of the signatory agencies being informed or taking action.

Off Site—The area outside of the boundary of the onsite area but within the area that is actually or potentially affected by the radiological emergency.

Offsite Federal Support—Federal assistance in mitigating the offsite consequences of an emergency and protecting the public health and safety, including assistance with determining and implementing public protective action measures.

Offsite Technical Director (OSTD)—The DOE official designated to coordinate the Federal radiological monitoring and assessment activities under the Federal Radiological Monitoring and Assessment Plan.

On Site—The area within the boundary established by the owner or operator of the affected facility or carrier or the CFA for controlling actions related to an emergency. Specifically, it includes the area within the boundary of a nuclear power plant, a DOD installation, a DOE facility, a National Defense Area, or a National Security Area. It also includes the controlled area surrounding a radioactive spill in a transportation incident.

On-Scene Commander—The military officer or senior DOE official who commands DOD and DOE forces and supervises all DOD and DOE operations at the scene of a DOD/DOE nuclear weapon accident or weapon significant incident.

Onsite Federal Support—Federal assistance that is the primary responsibility of the Federal agency that

owns, authorizes, regulates, or is otherwise deemed responsible for the radiological facility or material being transported, i.e., the CFA. This response supports State and local efforts by supporting the owner or operator's efforts to bring the incident under control and thereby prevent or minimize offsite consequences.

Owner or Operator—The organization that owns or operates the nuclear facility or carrier, or cargo that causes the radiological emergency. The owner or operator may be a Federal agency, a State or local government, or a private business.

Participating Agencies—44 CFR Part 351 establishes the Federal Radiological Preparedness Coordinating Committee (FRPCC), which has approved the establishment of the Subcommittee on Federal Response. The 12 agencies represented on this Subcommittee are referred to as the participating agencies in the FRERP. They are: FEMA, NRC, EPA, HHS, DOE, USDA, DOC, DOT, DOD, DOI, HUD, and NCS.

Population Dose Projection—An estimate of the total radiation dose to which the population may be exposed.

Projected Dose—An estimate of the radiation dose that affected individuals could receive.

Protective Action or Re-entry Recommendation (PAR)—A recommendation to take action that protects the public from exposure to radiation.

Public Information Officers (PIOs)—Federal agency officials at headquarters and in the field responsible for preparing and coordinating the dissemination of public information in

cooperation with other responding Federal, State, and local agencies.

Radiological assistance Program (RAP) Team—A team dispatched to the site of a radiological incident by the DOE regional office responding to the incident under the FRMAP.

Radiological Emergency—A type of radiological incident that poses an actual or potential hazard to public health and safety.

Senior FEMA Official (SFO)—Official appointed by the Director, FEMA, or his representative, to direct the FEMA response at the scene of a radiological emergency.

State Coordinating Officer (SCO)—An official designated by the Governor of the affected State to work with the CFAO and SFO in coordinating the response efforts of Federal, State, local, volunteer, and private agencies.

Subcommittee on Federal Response—A Subcommittee of the Federal Radiological Preparedness Coordinating Committee formed to develop and test the Federal Radiological Emergency Response Plan. Most agencies that would participate in the Federal radiological emergency response are represented on this Subcommittee.

Transportation Incident—Any incident that involves a transportation vehicle or shipment containing radioactive materials.

Transportation of Radioactive Materials—Refers to the loading, unloading, movement, or temporary storage en route of radioactive materials.

[FR Doc. 84-2127 Filed 1-26-84; 8:45 am]

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Registered Federal Post

Friday
January 27, 1984

Part IV

Department of Housing and Urban Development

Office of the Assistant Secretary for
Housing—Federal Housing Commissioner

General Prototype Housing Costs for
One- to Four-Family Dwelling Units;
Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-84-1335; FR-1906]

General Prototype Housing costs for One- to Four-Family Dwelling Units

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The Housing and Community Development Act of 1977 requires the Department to publish annually prototype housing costs for a variety of one- to four-family dwelling units in each market area throughout the United States. This Notice announces the 1983 prototype costs, and is intended to provide the public with the typical cost of a single family dwelling in a definite area.

EFFECTIVE DATE: January 27, 1984.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Room 9270, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 755-6720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 904 of the Housing and Community Development Act of 1977 (42 U.S.C. 3540) requires HUD to prepare and publish annually prototype housing costs for one- to four-family dwelling units for each market area in the United States. The most recent publication of prototype housing costs by the Department was on August 24, 1982 (see 47 FR 36970). These prototype figures are intended to serve as an aid to the general public in estimating typical housing costs in a particular market area. These prototype costs are not the same as those published annually by the Department under section 6(b) of the United States Housing Act of 1937 for use in public housing projects.

The prototype costs are developed by HUD using data submitted from HUD field offices and the public and general data gathered by the Department in administering the National Housing Act section 203(b) single family mortgage insurance program. (Note.—The prototype costs for the market areas of Knoxville, Tennessee and San Francisco, California were determined by Headquarters based on recent historical data and acceptable trend multipliers.) The prototype costs include

costs for land and site improvements, and cover both urban and rural areas of each market area. Generally, prototype costs represent the sales price. For those interested, each HUD field office has maps of designated areas available for examination.

The tables that follow this document list the prototype costs for all market areas. Because of the lack of information on two-, three-, and four-family dwelling units, costs generally include figures for one-family dwellings only. In consideration of varying economic situations, prototype costs are divided into three cost ranges: low, medium and high. The typical low-range, one-family dwelling contains three bedrooms and one full bath. The typical medium-range one-family dwelling contains three or four bedrooms and two full baths. The typical high-range one-family dwelling contains three to five bedrooms and two or three full baths.

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321-4347) is unnecessary, since prototype cost notices are categorically excluded under HUD regulations at 24 CFR 50.21(1).

Authority: Section 904, Housing and Community Development Act of 1977 (42 U.S.C. 3540); section 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Dated: January 18, 1984.

W. Calvert Brand,

General Deputy Assistant Secretary for Housing.

SCHEDULE OF PROTOTYPE HOUSING COSTS: ONE- TO FOUR-FAMILY DWELLINGS

Market area	Low range	Medium range	High range
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Field Office: Boston, MA

Typical square foot area	1,000	1,250	1,430
Boston:			
1-family dwelling	\$64,018	\$92,220	\$128,586
2-family dwelling		98,484	
Pittsfield:			
1-family dwelling	56,937	83,723	114,944
2-family dwelling		87,895	
Worcester:			
1-family dwelling	56,937	84,308	115,464
2-family dwelling		87,895	
Springfield:			
1-family dwelling	57,351	83,822	116,383
2-family dwelling		88,895	
Cape Cod:			
1-family dwelling	57,765	86,002	117,300
2-family dwelling		91,315	

Field Office: Hartford, CT

Typical square foot area	880	1,000	1,120
Hartford:			
1-family dwelling	\$65,428	\$71,925	\$80,042
New Haven-Milford:			
1-family dwelling	64,983	71,448	80,586
Bridgeport-Fairfield:			
1-family dwelling	68,608	76,165	86,402

Field Office: Manchester, NH

Typical square foot area	960	1,680	1,980
Portland, ME:			

SCHEDULE OF PROTOTYPE HOUSING COSTS: ONE- TO FOUR-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
1-family dwelling	\$52,866	\$89,144	\$124,192
Bangor, ME:			
1-family dwelling	51,765	89,419	117,535
Augusta, ME:			
1-family dwelling	52,207	87,631	120,666
Manchester:			
1-family dwelling	51,095	86,517	117,137
Keene:			
1-family dwelling	50,209	82,883	113,759
Portsmouth:			
1-family dwelling	54,556	88,605	117,936
2-family dwelling			
3-family dwelling			
4-family dwelling			
Burlington, VT:			
1-family dwelling	53,083	88,848	118,927
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Providence, RI

Typical square foot area	1,040	1,250	1,540
Providence:			
1-family dwelling	\$63,761	\$79,119	\$94,696
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Albany, NY

Typical square foot area	940	1,090	1,970
Albany-Troy:			
1-family dwelling	\$46,242	\$58,142	\$89,593
2-family dwelling			
3-family dwelling			
4-family dwelling			
Auburn:			
1-family dwelling	46,946	57,448	86,731
2-family dwelling			
3-family dwelling			
4-family dwelling			
Binghamton:			
1-family dwelling	45,888	57,698	92,077
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ithaca:			
1-family dwelling	45,888	58,750	96,287
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pittsburgh:			
1-family dwelling	45,888	57,698	91,024
2-family dwelling			
3-family dwelling			
4-family dwelling			
Schenectady:			
1-family dwelling	\$46,242	\$58,142	\$91,698
2-family dwelling			
3-family dwelling			
4-family dwelling			
Syracuse:			
1-family dwelling	47,653	59,913	94,394
2-family dwelling			
3-family dwelling			
4-family dwelling			
Utica-Rome:			
1-family dwelling	46,242	58,142	91,698
2-family dwelling			
3-family dwelling			
4-family dwelling			
Watertown:			
1-family dwelling	45,536	55,677	90,350
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Buffalo, NY

Typical square foot area	960	1,040	1,140
Buffalo:			
1-family dwelling	\$53,342	\$70,052	\$90,742
2-family dwelling	82,855	99,989	134,693
3-family dwelling			
4-family dwelling			
Rochester:			
1-family dwelling	54,191	71,795	90,281
2-family dwelling	84,792	101,764	136,143

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
3-family dwelling			
4-family dwelling			
Elmira:			
1-family dwelling	44,414	60,492	76,833
2-family dwelling	72,545	87,909	121,475
3-family dwelling			
4-family dwelling			
Jamestown:			
1-family dwelling	46,992	65,170	82,847
2-family dwelling	77,340	92,856	126,754
3-family dwelling			
4-family dwelling			

Field Office: Camden, NJ

Typical square foot area	1,160	1,320	1,480
Camden, Burlington and Gloucester Counties:			
1-family dwelling	\$47,800	\$67,500	\$81,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Cumberland and Salem (Atlantic Counties):			
1-family dwelling	48,700	59,350	66,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Atlantic (Shore) County:			
1-family dwelling	51,150	69,300	88,850
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mercer County:			
1-family dwelling	49,750	66,250	84,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ocean County:			
1-family dwelling	49,900	71,650	93,250
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Newark, NJ

Typical square foot area	1,000	1,475	1,818
Plainfield:			
1-family dwelling	\$61,700	\$79,300	\$86,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Morristown:			
1-family dwelling	73,500	91,300	98,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
New Brunswick:			
1-family dwelling	66,800	84,600	91,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Asbury Park:			
1-family dwelling	62,500	79,600	86,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Somerville:			
1-family dwelling	64,200	82,000	88,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: New York, NY

Typical square foot area	1,040	1,490	2,440
Dutchess, Ulster, Sullivan:			
1-family dwelling	\$46,115	\$71,954	\$119,968
2-family dwelling	70,426	103,753	148,335
3-family dwelling	109,387	117,858	188,948
4-family dwelling	126,842	188,851	263,019
Orange:			
1-family dwelling	45,364	75,690	130,234
2-family dwelling	69,877	106,562	161,057
3-family dwelling	112,909	120,483	201,684
4-family dwelling	129,790	189,531	274,112
Rockland:			
1-family dwelling	53,070	81,584	132,808
2-family dwelling	70,426	110,708	152,615
3-family dwelling	108,852	129,628	207,673

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
4-family dwelling	129,517	200,621	298,329
Nassau/Suffolk:			
1-family dwelling	44,798	79,529	145,087
2-family dwelling	71,046	107,432	160,292
3-family dwelling	110,214	136,704	215,870
4-family dwelling	148,579	208,579	295,873
New York City:			
1-family dwelling	47,676	89,105	127,188
2-family dwelling	75,867	114,088	161,395
3-family dwelling	124,983	150,494	268,728
4-family dwelling	132,464	195,039	335,368

Field Office: San Juan, PR

Typical square foot area	860	1,160	1,620
San Juan:			
1-family dwelling	\$52,000	\$58,000	\$76,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ponce:			
1-family dwelling	42,700	55,000	67,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mayaguez:			
1-family dwelling	44,000	47,000	69,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Baltimore, MD

Typical square foot area	1,086	1,656	1,944
Baltimore:			
1-family dwelling	\$75,200	\$91,400	\$103,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hagerstown:			
1-family dwelling		61,500	96,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Salisbury:			
1-family dwelling	58,800	66,800	79,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Waldorf:			
1-family dwelling	60,400	89,000	111,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Charleston, WV

Typical square foot area	980	1,150	2,600
Charleston:			
1-family dwelling	\$57,200	\$100,300	\$155,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Beckley-Princeton-Bluefield:			
1-family dwelling	55,500	97,400	151,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Martinsburg:			
1-family dwelling	50,400	88,400	137,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wheeling:			
1-family dwelling	58,400	102,300	158,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Huntington:			
1-family dwelling	56,700	99,300	154,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Parkersburg:			
1-family dwelling	\$56,700	\$99,300	\$154,100
2-family dwelling			
3-family dwelling			
4-family dwelling			

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
Upper Monongalia:			
1-family dwelling	57,200	100,300	155,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Philadelphia, PA

Typical square foot area	1,220	1,790	2,200
Philadelphia:			
1-family dwelling	\$53,900	\$56,000	\$64,700
2-family dwelling	58,300	61,600	71,100
3-family dwelling			
4-family dwelling			
Pottstown-Reading:			
1-family dwelling	52,300	54,800	60,800
2-family dwelling	57,500	60,300	66,800
3-family dwelling			
4-family dwelling			
Allentown-Bethlehem-Easton:			
1-family dwelling	52,800	55,200	61,300
2-family dwelling	58,000	60,700	67,400
3-family dwelling			
4-family dwelling			
Lancaster-York:			
1-family dwelling	50,800	53,900	61,500
2-family dwelling	55,800	59,300	67,600
3-family dwelling			
4-family dwelling			
Harrisburg:			
1-family dwelling	50,300	53,100	58,900
2-family dwelling	55,300	58,400	64,800
3-family dwelling			
4-family dwelling			
Wilkes-Barre-Scranton:			
1-family dwelling	52,300	54,800	60,800
2-family dwelling	57,500	60,300	66,800
3-family dwelling			
4-family dwelling			
Bellefonte:			
1-family dwelling	47,700	53,900	60,000
2-family dwelling	52,400	59,300	66,000
3-family dwelling			
4-family dwelling			
Tioga:			
1-family dwelling	47,700	53,900	60,000
2-family dwelling	52,400	59,300	66,000
3-family dwelling			
4-family dwelling			
Wilmington-State of Delaware:			
1-family dwelling	47,700	54,000	60,000
2-family dwelling	52,400	59,400	66,000
3-family dwelling			
4-family dwelling			

Field Office: Pittsburgh, PA

Typical square foot area	960	1,440	2,210
Altoona:			
1-family dwelling	\$66,911	\$93,923	\$121,673
2-family dwelling			
3-family dwelling			
4-family dwelling			
Erie:			
1-family dwelling	67,941	95,983	122,703
2-family dwelling			
3-family dwelling			
4-family dwelling			
Johnstown:			
1-family dwelling	67,958	95,702	123,163
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pittsburgh:			
1-family dwelling	69,503	98,277	124,708
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Richmond, VA

Typical square foot area	1,090	2,110	2,240
Charlottesville:			
1-family dwelling	43,700	67,500	95,550
2-family dwelling			
3-family dwelling			
4-family dwelling			

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
Danville:			
1-family dwelling	40,700	63,100	89,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fredericksburg:			
1-family dwelling	48,850	75,200	106,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lynchburg:			
1-family dwelling	43,500	65,100	91,750
2-family dwelling			
3-family dwelling			
4-family dwelling			
Newport News-Hampton:			
1-family dwelling	47,300	72,950	103,150
2-family dwelling			
3-family dwelling			
4-family dwelling			
Norfolk-Virginia Beach:			
1-family dwelling	47,750	73,700	104,150
2-family dwelling			
3-family dwelling			
4-family dwelling			
Petersburg:			
1-family dwelling	45,100	69,500	98,250
2-family dwelling			
3-family dwelling			
4-family dwelling			
Portsmouth-Chesapeake:			
1-family dwelling	47,400	73,000	103,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Richmond:			
1-family dwelling	47,250	72,650	102,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Roanoke:			
1-family dwelling	41,000	63,400	89,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Winchester:			
1-family dwelling	\$46,150	\$71,250	\$100,900
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Washington, DC

Typical square foot area	1,060	1,380	2,510
Washington Metropolitan Area:			
1-family dwelling	\$133,005	\$165,736	\$224,899
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Atlanta, GA

Typical square foot area	960	1,420	2,130
Atlanta:			
1-family dwelling	\$47,350	\$73,250	\$103,750
2-family dwelling			
3-family dwelling			
4-family dwelling			
Athens:			
1-family dwelling	41,450	65,900	92,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Albany:			
1-family dwelling	41,750	65,900	95,350
2-family dwelling			
3-family dwelling			
4-family dwelling			
Augusta:			
1-family dwelling	43,850	67,050	96,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Columbus:			
1-family dwelling	42,850	65,900	95,650
2-family dwelling			
3-family dwelling			
4-family dwelling			

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
Rome:			
1-family dwelling	44,750	68,150	96,950
2-family dwelling			
3-family dwelling			
4-family dwelling			
Savannah:			
1-family dwelling	44,550	69,200	99,650
2-family dwelling			
3-family dwelling			
4-family dwelling			
Macon:			
1-family dwelling	42,850	66,850	95,850
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Birmingham, AL			
Typical square foot area	1,080	1,820	2,420
Birmingham:			
1-family dwelling	\$53,000	\$80,150	\$103,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Florence:			
1-family dwelling	49,650	73,150	92,650
2-family dwelling			
3-family dwelling			
4-family dwelling			
Huntsville:			
1-family dwelling	51,550	75,200	97,950
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gadsden:			
1-family dwelling	48,650	74,350	94,750
2-family dwelling			
3-family dwelling			
4-family dwelling			
Anniston:			
1-family dwelling	48,500	73,500	92,850
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tuscaloosa:			
1-family dwelling	\$50,500	\$72,300	\$90,850
2-family dwelling			
3-family dwelling			
4-family dwelling			
Montgomery:			
1-family dwelling	48,150	72,150	95,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Dothan:			
1-family dwelling	45,800	70,350	96,050
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mobile:			
1-family dwelling	52,200	75,800	98,950
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Columbia, SC

Typical square foot area	1,070	1,360	1,510
Aiken-Rock Hill:			
1-family dwelling	\$48,600	\$59,800	\$66,300
2-family dwelling	69,000	88,000	
3-family dwelling			
4-family dwelling			
Columbia-Florence-Orangeburg:			
1-family dwelling	48,500	60,700	69,900
2-family dwelling	68,600	88,500	
3-family dwelling			
4-family dwelling			
Charleston-Myrtle Beach:			
1-family dwelling	51,700	64,900	74,300
2-family dwelling	72,700	94,100	
3-family dwelling			
4-family dwelling			
Greenville:			
1-family dwelling	49,600	62,300	70,500
2-family dwelling	70,100	90,800	
3-family dwelling			

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
4-family dwelling			
Field Office: Coral Gables, FL			
Typical square foot area	950	1,250	1,970
Miami:			
1-family dwelling	\$69,400	\$82,400	\$129,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ft. Lauderdale:			
1-family dwelling	62,000	79,000	118,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
West Palm Beach:			
1-family dwelling	55,000	79,500	116,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ft. Myers:			
1-family dwelling	50,800	68,000	105,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Key West:			
1-family dwelling	51,500	78,000	118,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Greensboro, NC			
Typical square foot area	1,150	1,500	21,850
Greensboro:			
1-family dwelling	\$55,965	\$68,145	\$79,580
2-family dwelling			
3-family dwelling			
4-family dwelling			
Asheville:			
1-family dwelling	49,980	61,635	82,635
2-family dwelling			
3-family dwelling			
4-family dwelling			
Charlotte:			
1-family dwelling	47,460	74,285	80,535
2-family dwelling			
3-family dwelling			
4-family dwelling			
Elizabeth City:			
1-family dwelling	42,630	51,135	62,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Greenville:			
1-family dwelling	42,945	54,800	68,150
2-family dwelling			
3-family dwelling			
4-family dwelling			
Raleigh:			
1-family dwelling	\$54,600	\$74,285	\$79,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wilmington:			
1-family dwelling	45,570	58,600	76,850
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Jackson, MS			
Typical Square Foot Area	1,170	1,860	2,580
Biloxi-Gulfport:			
1-family dwelling	\$48,350	\$77,300	\$110,350
2-family dwelling	75,950		
3-family dwelling			
4-family dwelling	122,500		
Columbus:			
1-family dwelling	48,600	78,550	111,400
2-family dwelling	77,850		
3-family dwelling			
4-family dwelling	125,000		
Greenville:			
1-family dwelling	45,400	76,100	118,900
2-family dwelling	74,000		
3-family dwelling			
4-family dwelling	119,000		

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
Hattiesburg:			
1-family dwelling	48,650	77,450	111,200
2-family dwelling	77,200		
3-family dwelling			
4-family dwelling	125,700		
Jackson:			
1-family dwelling	49,350	78,600	116,450
2-family dwelling	83,000		
3-family dwelling			
4-family dwelling	124,900		
Typical square foot area	1,170	1,860	2,580
Laurel:			
1-family dwelling	\$48,350	\$79,850	\$108,400
2-family dwelling	79,050		
3-family dwelling			
4-family dwelling	124,550		
Meridian:			
1-family dwelling	46,250	75,900	104,900
2-family dwelling	75,00		
3-family dwelling			
4-family dwelling	120,550		
Natchez:			
1-family dwelling	45,050	75,200	105,000
2-family dwelling	73,150		
3-family dwelling			
4-family dwelling	118,400		
Southaven:			
1-family dwelling	51,150	81,050	115,600
2-family dwelling	81,050		
3-family dwelling			
4-family dwelling	130,450		
Vicksburg:			
1-family dwelling	47,500	78,350	106,350
2-family dwelling			
3-family dwelling			
4-family dwelling	123,700		

Field Office: Jacksonville, FL

Typical square foot area	1,090	1,350	1,620
Jacksonville:			
1-family dwelling	\$48,900	\$62,000	\$77,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gainesville-Ocala:			
1-family dwelling	45,500	56,200	70,950
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tallahassee:			
1-family dwelling	43,850	56,600	65,650
2-family dwelling			
3-family dwelling			
4-family dwelling			
Panama City:			
1-family dwelling	46,500	54,350	70,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pensacola-Ft. Walton:			
1-family dwelling	49,050	53,800	72,100
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Knoxville, TN

Typical square foot area	980	1,030	1,300
Knoxville:			
1-family dwelling	\$47,000	\$53,500	\$64,000
2-family dwelling		65,000	82,000
3-family dwelling			
4-family dwelling	129,000	138,000	
Chattanooga:			
1-family dwelling	46,000	53,000	63,000
2-family dwelling		64,000	81,500
3-family dwelling			
4-family dwelling	126,000	134,000	
Kingsport:			
1-family dwelling	45,600	52,100	62,000
2-family dwelling		63,000	79,000
3-family dwelling			
4-family dwelling	125,300	132,000	
Johnson City:			
1-family dwelling	46,000	53,000	63,000
2-family dwelling		63,000	80,000
3-family dwelling			

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
4-family dwelling	124,300	124,500	
Field Office: Louisville, KY			
Typical square foot area	930	1,630	1,930
Louisville:			
1-family dwelling	\$49,736	\$60,062	\$82,843
2-family dwelling	61,052	124,014	
3-family dwelling			
4-family dwelling	140,133	180,518	
Owensboro:			
1-family dwelling	49,206	61,856	81,583
2-family dwelling	60,735	123,484	
3-family dwelling			
4-family dwelling	140,133	179,458	
Ashland:			
1-family dwelling	50,968	60,926	84,847
2-family dwelling	63,851	127,425	
3-family dwelling			
4-family dwelling	144,802	185,164	
Covington:			
1-family dwelling	51,371	62,017	85,582
2-family dwelling	63,327	129,090	
3-family dwelling			
4-family dwelling	145,379	187,420	
Paducah:			
1-family dwelling	48,265	58,866	80,318
2-family dwelling	60,809	122,346	
3-family dwelling			
4-family dwelling	138,292	177,731	
Typical square foot area	1,020	2,020	3,050
Memphis:			
1-family dwelling	\$49,349	\$78,860	\$102,196
2-family dwelling			
3-family dwelling			
4-family dwelling			
Jackson:			
1-family dwelling	49,130	78,532	101,430
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Nashville, TN

Typical square foot area	1,060	1,300	1,800
Nashville:			
1-family dwelling	\$45,000	\$71,000	\$83,500
2-family dwelling	57,000	82,000	
3-family dwelling			
4-family dwelling			

Field Office: Orlando, FL

Typical square foot area	1,050	1,200	1,760
Brevard-Indian River-St. Lucie:			
1-family dwelling	\$48,250	\$55,000	\$67,000
2-family dwelling		75,000	
3-family dwelling			
4-family dwelling			
Orange-Seminole-Osceola:			
1-family dwelling	48,250	57,000	75,000
2-family dwelling		80,000	
3-family dwelling			
4-family dwelling			
Volusia County:			
1-family dwelling	48,250	55,000	72,000
2-family dwelling		75,000	
3-family dwelling			
4-family dwelling			

Field Office: Tampa, FL

Typical square foot area	1,010	1,320	1,680
Tampa:			
1-family dwelling	\$44,000	\$72,000	\$111,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Manatee-Sarasota:			
1-family dwelling	47,000	67,500	104,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Polk:			
1-family dwelling	38,500	63,500	110,000
2-family dwelling			
3-family dwelling			

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
4-family dwelling			
Field Office: Chicago, IL			
Typical square foot area	1,000	1,500	2,000
Chicago:			
1-family dwelling	\$53,230	\$105,970	\$147,490
2-family dwelling	99,160	125,120	153,470
3-family dwelling			
4-family dwelling			
Rockford:			
1-family dwelling	50,000	91,870	128,000
2-family dwelling	87,200	108,810	133,390
3-family dwelling			
4-family dwelling			
Rock Island:			
1-family dwelling	51,300	94,200	131,260
2-family dwelling	91,250	111,360	136,580
3-family dwelling			
4-family dwelling			
Sterling:			
1-family dwelling	49,200	91,280	127,480
2-family dwelling	87,230	107,650	131,970
3-family dwelling			
4-family dwelling			

Field Office: Cincinnati, OH

Typical square foot area	1,120	1,220	2,020
Cincinnati:			
1-family dwelling	\$58,700	\$71,400	\$105,800
2-family dwelling	105,900		
3-family dwelling			
4-family dwelling	165,600	193,500	
Dayton:			
1-family dwelling	55,400	68,400	104,100
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Cleveland, OH

Typical square foot area	1,040	1,320	1,790
Cleveland:			
1-family dwelling	\$63,923	\$96,234	\$161,986
2-family dwelling			
3-family dwelling			
4-family dwelling			
Akron:			
1-family dwelling	61,905	93,339	157,288
2-family dwelling			
3-family dwelling			
4-family dwelling			
Toledo:			
1-family dwelling	63,385	95,685	161,943
2-family dwelling			
3-family dwelling			
4-family dwelling			
Youngstown:			
1-family dwelling	62,257	93,536	158,394
2-family dwelling			
3-family dwelling			
4-family dwelling			
Findlay:			
1-family dwelling	61,815	93,254	153,761
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mansfield:			
1-family dwelling	61,365	92,594	154,929
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lorain:			
1-family dwelling	63,837	96,319	162,528
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Columbus, OH

Typical square foot area	940	1,680	2,210
Columbus:			
1-family dwelling	\$50,500	\$79,300	\$121,100
2-family dwelling	91,700	116,200	
3-family dwelling			
4-family dwelling			195,700
Athens:			
1-family dwelling	44,100	82,900	119,900
2-family dwelling			

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
3-family dwelling			
4-family dwelling			
Lima:			
1-family dwelling	49,700	91,100	120,900
2-family dwelling	100,400	124,200	
3-family dwelling			
4-family dwelling			
Zanesville:			
1-family dwelling	49,200	71,400	107,600
2-family dwelling		129,300	
3-family dwelling			
4-family dwelling			
Newark:			
1-family dwelling	55,000	79,200	104,200
2-family dwelling	82,800	105,800	
3-family dwelling		135,900	
4-family dwelling			155,100
Springfield:			
1-family dwelling	50,200	84,000	115,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Troy:			
1-family dwelling	44,100	83,100	116,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Detroit, MI

Typical square foot area	900	1,600	2,300
Detroit:			
1-family dwelling	\$53,900	\$68,400	\$99,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Flint, MI

Typical square foot area	1,000	1,220	1,530
Flint:			
1-family dwelling	\$38,000	\$58,000	\$90,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Saginaw:			
1-family dwelling	43,000	55,000	80,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bay City:			
1-family dwelling	43,000	55,000	80,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Midland:			
1-family dwelling	50,000	68,000	90,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Grand Rapids, MI

Typical square foot area	1,600	1,200	1,720
Grand Rapids:			
1-family dwelling	\$56,271	\$87,147	\$148,844
2-family dwelling	106,995	159,748	199,977
3-family dwelling			
4-family dwelling			
Battle Creek:			
1-family dwelling	60,337	96,082	154,005
2-family dwelling	111,306	166,742	209,302
3-family dwelling			
4-family dwelling			
Jackson:			
1-family dwelling	58,390	91,450	155,448
2-family dwelling	111,758	166,827	210,597
3-family dwelling			
4-family dwelling			
Lansing:			
1-family dwelling	61,066	88,933	156,076
2-family dwelling	144,039	168,013	209,761
3-family dwelling			
4-family dwelling			
Muskegon:			
1-family dwelling	56,111	84,059	145,635
2-family dwelling	104,830	156,772	197,709
3-family dwelling			
4-family dwelling			

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
Mount Pleasant:			
1-family dwelling	59,850	89,663	151,628
2-family dwelling	111,536	164,818	206,971
3-family dwelling			
4-family dwelling			
Traverse City:			
1-family dwelling	55,054	83,330	143,828
2-family dwelling	103,922	153,712	194,244
3-family dwelling			
4-family dwelling			
Marquette:			
1-family dwelling	56,028	84,788	143,308
2-family dwelling	103,463	155,284	196,627
3-family dwelling			
4-family dwelling			
Benton Harbor:			
1-family dwelling	54,509	86,413	156,279
2-family dwelling	116,642	168,448	211,008
3-family dwelling			
4-family dwelling			

Field Office: Indianapolis, IN

Typical square foot area	1,060	1,120	2,100
Indianapolis:			
1-family dwelling	\$51,200	\$68,000	\$101,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fl. Wayne:			
1-family dwelling	49,000	69,700	100,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gary:			
1-family dwelling	51,500	73,000	109,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Terre Haute:			
1-family dwelling	52,000	71,600	107,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Milwaukee, WI

Typical square foot area	1,200	1,500	2,030
Milwaukee:			
1-family dwelling	\$74,224	\$114,782	\$175,664
2-family dwelling	125,733	161,232	230,258
3-family dwelling	185,507	239,538	340,475
4-family dwelling	247,810	322,870	459,207
Madison:			
1-family dwelling	68,418	106,105	163,378
2-family dwelling	115,507	149,413	214,250
3-family dwelling	169,585	221,218	315,547
4-family dwelling	227,425	295,982	424,069
Green Bay:			
1-family dwelling	59,247	96,961	152,726
2-family dwelling	104,997	137,945	201,474
3-family dwelling	159,813	208,912	300,590
4-family dwelling	214,099	279,629	401,896
Eau Claire:			
1-family dwelling	55,923	92,353	144,791
2-family dwelling	101,572	133,965	198,798
3-family dwelling	152,277	200,980	291,902
4-family dwelling	203,957	271,224	395,797
Superior:			
1-family dwelling	56,785	95,325	151,329
2-family dwelling	105,639	140,054	206,710
3-family dwelling	158,684	210,278	306,502
4-family dwelling	212,012	282,050	412,799

Field Office: Minneapolis-St. Paul, MN

Typical square foot area	1,090	1,260	2,010
Minneapolis:			
1-family dwelling	\$38,342	\$91,180	\$124,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
St. Paul:			
1-family dwelling	68,342	91,180	124,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hibbing:			
1-family dwelling	62,205	83,307	113,820

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
2-family dwelling			
3-family dwelling			
4-family dwelling			
Duluth:			
1-family dwelling	62,746	83,906	114,659
2-family dwelling			
3-family dwelling			
4-family dwelling			
Moorhead:			
1-family dwelling	59,531	80,143	109,440
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rochester-Austin:			
1-family dwelling	63,719	85,186	116,374
2-family dwelling			
3-family dwelling			
4-family dwelling			
St. Cloud:			
1-family dwelling	62,457	83,500	114,374
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mankota-Worthington:			
1-family dwelling	62,457	83,500	114,070
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Springfield, IL

Typical square foot area	1,130	1,350	2,020
Springfield-Peoria-Perkin:			
1-family dwelling	\$62,366	\$70,617	\$74,057
2-family dwelling	60,332	62,819	81,337
3-family dwelling	85,568	88,358	122,343
4-family dwelling	116,229	135,070	167,758
Bloomington-Normal:			
1-family dwelling	62,366	70,617	74,057
2-family dwelling	60,332	62,819	81,337
3-family dwelling	85,568	88,358	122,343
4-family dwelling	116,229	135,070	167,758
Champaign-Urbana:			
1-family dwelling	61,366	70,617	74,057
2-family dwelling	60,332	62,819	81,337
3-family dwelling	85,568	88,358	122,343
4-family dwelling	116,229	135,070	167,758
Belleville-Alton:			
1-family dwelling	61,366	70,617	74,057
2-family dwelling	60,332	62,819	81,337
3-family dwelling	85,568	88,358	122,343
4-family dwelling	116,229	135,070	167,758

Field Office: Albuquerque, MN

Typical square foot area	1,160	1,680	2,000
Albuquerque:			
1-family dwelling	\$60,750	\$87,122	\$122,009
2-family dwelling			
3-family dwelling		120,061	
4-family dwelling		143,682	
Santa Fe:			
1-family dwelling	63,279	91,688	125,659
2-family dwelling			
3-family dwelling		128,494	
4-family dwelling		152,717	
Clovis:			
1-family dwelling	46,322	68,157	90,323
2-family dwelling			
3-family dwelling		100,414	
4-family dwelling		118,448	
Hobbs:			
1-family dwelling	53,471	76,899	101,015
2-family dwelling			
3-family dwelling		114,813	
4-family dwelling		137,802	
Las Cruces:			
1-family dwelling	54,470	77,262	102,474
2-family dwelling			
3-family dwelling		113,906	
4-family dwelling		134,277	

Field Office: Dallas, TX

Typical square foot area	1,090	1,600	2,390
Dallas:			
1-family dwelling	\$51,500	\$87,250	\$159,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Waco:			
1-family dwelling	45,550	72,600	140,250
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tyler:			
1-family dwelling	44,500	66,700	141,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Fort Worth, TX

Typical square foot area	1,400	1,600	2,200
1-family dwelling	\$69,000	\$77,800	\$98,950
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Angelo:			
1-family dwelling	51,650	69,350	91,750
2-family dwelling			
3-family dwelling			
4-family dwelling			
Brownwood:			
1-family dwelling	51,600	61,200	91,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ablene:			
1-family dwelling	55,000	72,300	94,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wichita Falls:			
1-family dwelling			
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Houston, TX

Typical square foot area	1,100	1,620	2,150
Houston:			
1-family dwelling	\$60,700	\$83,400	\$107,800
2-family dwelling	96,200	117,800	129,300
3-family dwelling			
4-family dwelling			
Galveston-Texas City:			
1-family dwelling	60,500	82,400	105,700
2-family dwelling	96,100	111,100	128,100
3-family dwelling			
4-family dwelling			
Beaumont-Port Arthur:			
1-family dwelling	59,200	81,100	104,600
2-family dwelling	96,000	109,300	126,900
3-family dwelling			
4-family dwelling			

Field Office: Little Rock, AR

Typical square foot area	1,200	1,260	2,420
Little Rock:			
1-family dwelling	\$45,700	\$54,800	\$95,100
2-family dwelling		93,500	103,400
3-family dwelling			
4-family dwelling	117,500	129,500	152,500
Texarkana:			
1-family dwelling	46,300	53,800	90,000
2-family dwelling		91,800	100,200
3-family dwelling			
4-family dwelling	119,100	129,400	151,000
Jonesboro:			
1-family dwelling	44,100	53,100	90,100
2-family dwelling		88,400	98,900
3-family dwelling			
4-family dwelling	112,700	124,000	147,300
Forth Smith:			
1-family dwelling	45,100	54,300	94,500
2-family dwelling		91,100	103,400
3-family dwelling			
4-family dwelling	116,100	129,300	150,800
Fayetteville:			
1-family dwelling	45,100	54,300	94,500
2-family dwelling		90,000	101,700
3-family dwelling			
4-family dwelling	116,100	127,500	150,800

SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
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Field Office: Lubbock, TX

Typical square foot area	1,036	1,390	1,696
Amarillo:			
1-family dwelling	\$43,873	\$68,058	\$94,405
2-family dwelling			
3-family dwelling			
4-family dwelling			
El Paso:			
1-family dwelling	46,121	73,789	97,697
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lubbock:			
1-family dwelling	43,816	67,332	92,432
2-family dwelling			
3-family dwelling			
4-family dwelling			
Midland-Odessa:			
1-family dwelling	44,527	72,345	103,032
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: New Orleans, LA

Typical square foot area	980	1,470	2,260
New Orleans:			
1-family dwelling	\$45,700	\$70,850	\$121,200
2-family dwelling	71,500	114,600	
3-family dwelling	122,000	131,500	
4-family dwelling	140,600	222,800	
Baton Rouge:			
1-family dwelling	40,800	69,500	110,550
2-family dwelling	67,100	107,100	
3-family dwelling	101,500	116,600	
4-family dwelling	126,000	217,200	
Houma:			
1-family dwelling	41,000	60,000	107,550
2-family dwelling	63,600	96,100	
3-family dwelling	101,500	107,200	
4-family dwelling	120,900	201,700	
Lafayette:			
1-family dwelling	39,250	65,000	120,550
2-family dwelling	65,600	104,100	
3-family dwelling	100,000	117,800	
4-family dwelling	126,400	212,200	
Lake Charles:			
1-family dwelling	33,850	57,000	110,450
2-family dwelling	61,100	94,000	
3-family dwelling	96,300	103,700	
4-family dwelling	120,000	202,400	

Field Office: Oklahoma City, OK

Typical square foot area	1,600	1,420	1,730
Oklahoma City:			
1-family dwelling	\$52,300	\$68,800	\$76,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Enid:			
1-family dwelling	50,100	66,500	73,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lawton:			
1-family dwelling	49,400	63,900	70,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Woodward:			
1-family dwelling	50,900	66,500	73,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ardmore:			
1-family dwelling	49,700	64,600	72,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: San Antonio, TX

Typical square foot area	900	1,310	1,900
San Antonio:			
1-family dwelling	\$44,100	\$63,900	\$87,500
2-family dwelling	87,400	74,100	98,300
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
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Austin:			
1-family dwelling	44,800	64,700	89,800
2-family dwelling	67,400	73,800	98,300
3-family dwelling			
4-family dwelling			
Corpus Christi:			
1-family dwelling	47,000	66,400	89,800
2-family dwelling	69,200	74,400	96,000
3-family dwelling			
4-family dwelling			
Rio Grande Valley:			
1-family dwelling	\$43,000	\$61,300	\$82,400
2-family dwelling	65,300	69,900	91,600
3-family dwelling			
4-family dwelling			

Field Office: Shreveport, LA

Typical square foot area	1,090	1,650	2,280
Shreveport:			
1-family dwelling	\$57,200	\$89,200	\$114,400
2-family dwelling			123,500
3-family dwelling			
4-family dwelling			153,200
Monroe:			
1-family dwelling	52,700	83,300	104,300
2-family dwelling			113,200
3-family dwelling			
4-family dwelling			142,900
Alexandria:			
1-family dwelling	55,700	86,900	110,400
2-family dwelling			119,400
3-family dwelling			
4-family dwelling			147,230
Marshall:			
1-family dwelling	50,100	82,600	107,850
2-family dwelling			117,000
3-family dwelling			
4-family dwelling			147,100

Field Office: Tulsa, OK

Typical square foot area	1,220	1,530	1,920
Tulsa:			
1-family dwelling	\$62,660	\$80,036	\$101,725
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bartlesville:			
1-family dwelling	58,502	77,641	97,963
2-family dwelling			
3-family dwelling			
4-family dwelling			
McAlester:			
1-family dwelling	54,888	72,593	91,799
2-family dwelling			
3-family dwelling			
4-family dwelling			
Muskogee:			
1-family dwelling	56,881	74,010	93,612
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Des Moines, IA

Typical square foot area	860	1,360	2,100
Cedar Rapids:			
1-family dwelling	\$47,200	\$69,300	\$114,400
2-family dwelling	81,800	124,300	
3-family dwelling			
4-family dwelling	113,000	150,500	
Council Bluffs:			
1-family dwelling	46,500	68,400	112,900
2-family dwelling	80,600	122,600	
3-family dwelling			
4-family dwelling	113,800	151,700	
Davenport:			
1-family dwelling	48,600	71,100	117,500
2-family dwelling	84,000	127,900	
3-family dwelling			
4-family dwelling	117,300	156,600	
Des Moines:			
1-family dwelling	46,500	68,400	112,900
2-family dwelling	80,600	122,600	
3-family dwelling			
4-family dwelling	111,200	148,000	
Mason City:			
1-family dwelling	46,200	67,900	112,100

SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
2-family dwelling	80,100	121,700	
3-family dwelling			
4-family dwelling	111,100	149,000	
Sioux City:			
1-family dwelling	45,900	67,500	111,300
2-family dwelling	79,500	120,800	
3-family dwelling			
4-family dwelling	113,000	150,500	
Waterloo:			
1-family dwelling	47,200	69,300	114,400
2-family dwelling	81,800	124,300	
3-family dwelling			
4-family dwelling	112,100	149,300	

Field Office: Kansas City, MO.

Typical square foot area	1,060	1,700	2,150
Kansas City:			
1-family dwelling	\$54,400	\$92,400	\$130,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Joplin:			
1-family dwelling	55,200	70,300	115,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Sedalia:			
1-family dwelling	48,800	70,250	117,950
2-family dwelling			
3-family dwelling			
4-family dwelling			
Springfield:			
1-family dwelling	54,300	67,700	106,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
St. Joseph:			
1-family dwelling	50,500	63,900	130,250
2-family dwelling			
3-family dwelling			
4-family dwelling			
Topeka:			
1-family dwelling	52,700	79,500	98,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pittsburg:			
1-family dwelling	53,400	83,750	111,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wichita:			
1-family dwelling	51,500	77,200	107,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Garden City:			
1-family dwelling	55,000	81,500	108,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Omaha, NB

Typical square foot area	860	960	1,400
Omaha:			
1-family dwelling	43,150	63,000	106,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lincoln:			
1-family dwelling	49,450	67,050	111,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Island:			
1-family dwelling	41,250	59,450	105,750
2-family dwelling			
3-family dwelling			
4-family dwelling			
Norfolk:			
1-family dwelling	43,200	64,100	107,150
2-family dwelling			
3-family dwelling			
4-family dwelling			
North Platte-Scottsbluff:			
1-family dwelling	39,400	58,400	103,850
2-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
3-family dwelling			
4-family dwelling			

Field Office: St. Louis, MO

Typical square foot area	1,050	1,800	2,360
St. Louis:			
1-family dwelling	\$51,500	\$67,100	\$110,100
2-family dwelling		85,000	121,200
3-family dwelling			
4-family dwelling			
Kirkville:			
1-family dwelling	46,800	62,600	105,000
2-family dwelling		80,300	111,900
3-family dwelling			
4-family dwelling			
Columbia:			
1-family dwelling	48,000	62,600	106,100
2-family dwelling		81,500	115,800
3-family dwelling			
4-family dwelling			
Rolla:			
1-family dwelling	48,300	63,100	104,700
2-family dwelling		83,600	114,100
3-family dwelling			
4-family dwelling			
Cape Girardeau:			
1-family dwelling	47,400	63,100	104,300
2-family dwelling		80,000	113,900
3-family dwelling			
4-family dwelling			

Field Office: Casper, WY

Typical square foot area	900	1,930	1,700
Casper:			
1-family dwelling	\$59,923	\$99,762	\$114,949
2-family dwelling			
3-family dwelling			
4-family dwelling			
Cheyenne:			
1-family dwelling	55,061	93,183	106,108
2-family dwelling			
3-family dwelling			
4-family dwelling			
Cody-Powell:			
1-family dwelling	56,929	91,289	101,965
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gillette:			
1-family dwelling	58,437	95,917	109,713
2-family dwelling			
3-family dwelling			
4-family dwelling			
Jackson:			
1-family dwelling	72,321	107,578	131,917
2-family dwelling			
3-family dwelling			
4-family dwelling			
Laramie:			
1-family dwelling	55,986	94,444	107,461
2-family dwelling			
3-family dwelling			
4-family dwelling			
Riverton:			
1-family dwelling	55,846	92,990	104,589
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rock Springs:			
1-family dwelling	53,397	101,412	115,469
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Denver, CO

Typical square foot area	860	1,610	2,110
Aspen-Carbondale:			
1-family dwelling	\$80,291	\$130,464	\$175,971
2-family dwelling			
3-family dwelling			
4-family dwelling			
Colorado Springs:			
1-family dwelling	56,387	93,051	130,905
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Durango-Cortez:			
1-family dwelling	59,297	99,589	149,425
2-family dwelling			
3-family dwelling			
4-family dwelling			
Denver:			
1-family dwelling	60,673	103,058	143,771
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fort Collins:			
1-family dwelling	62,517	101,978	140,978
2-family dwelling			
3-family dwelling			
4-family dwelling			
Georgetown:			
1-family dwelling	77,765	124,187	168,655
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Junction:			
1-family dwelling	58,724	99,339	142,392
2-family dwelling			
3-family dwelling			
4-family dwelling			
Greeley:			
1-family dwelling	58,300	97,801	139,309
2-family dwelling			
3-family dwelling			
4-family dwelling			
Leadville:			
1-family dwelling	59,387	101,047	140,918
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pueblo:			
1-family dwelling	49,389	86,672	121,864
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rangely:			
1-family dwelling	56,019	94,555	125,815
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Fargo, ND

Typical square foot area	960	970	1,330
Bismarck:			
1-family dwelling	\$64,504	\$89,751	\$110,593
2-family dwelling			
3-family dwelling			
4-family dwelling			
Dickinson:			
1-family dwelling	67,774	94,137	119,822
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fargo:			
1-family dwelling	67,276	92,740	113,310
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Forks:			
1-family dwelling	65,601	91,066	110,809
2-family dwelling			
3-family dwelling			
4-family dwelling			
Minot:			
1-family dwelling	66,285	92,649	109,516
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Helena, MT

Typical square foot area	860	1,330	1,600
Billings:			
1-family dwelling	\$51,145	\$83,073	\$111,137
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bozeman:			
1-family dwelling	54,415	90,399	118,016
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Butte:			
1-family dwelling	51,645	84,738	111,519
2-family dwelling			
3-family dwelling			
4-family dwelling			
Great Falls:			
1-family dwelling	52,508	83,634	111,861
2-family dwelling			
3-family dwelling			
4-family dwelling			
Helena:			
1-family dwelling	52,982	83,634	111,861
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lewistown:			
1-family dwelling	49,958	80,784	107,718
2-family dwelling			
3-family dwelling			
4-family dwelling			
Missoula:			
1-family dwelling	52,508	85,762	111,861
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Salt Lake City, UT

Typical square foot area	890	1,110	1,640
Salt Lake City:			
1-family dwelling	\$53,000	\$63,350	\$112,000
2-family dwelling			
3-family dwelling			
4-family dwelling		148,500	
Provo:			
1-family dwelling	52,950	62,700	114,350
2-family dwelling			
3-family dwelling			
4-family dwelling		150,450	
Logan:			
1-family dwelling	51,900	57,350	112,000
2-family dwelling			
3-family dwelling			
4-family dwelling		146,350	
Cedar City:			
1-family dwelling	49,350	63,750	107,700
2-family dwelling			
3-family dwelling			
4-family dwelling		135,750	

Field Office: Sioux Falls, SD

Typical square foot area	900	1,450	1,700
Aberdeen:			
1-family dwelling	\$49,843	\$84,305	\$118,325
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mitchell:			
1-family dwelling	49,380	82,302	117,313
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pierre:			
1-family dwelling	51,516	85,477	119,544
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rapid City:			
1-family dwelling	56,962	87,588	122,799
2-family dwelling			
3-family dwelling			
4-family dwelling			
Sioux Falls:			
1-family dwelling	52,120	87,744	122,955
2-family dwelling			
3-family dwelling			
4-family dwelling			
Watertown:			
1-family dwelling	49,531	83,535	117,464
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Fresno, CA

Typical square foot area	1,150	1,580	2,000
Fresno:			
1-family dwelling	\$84,000	\$90,750	\$150,500

SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
2-family dwelling	97,500	148,000	243,500
3-family dwelling			
4-family dwelling			
Modesto:			
1-family dwelling	62,000	88,000	146,000
2-family dwelling	94,750	143,750	236,500
3-family dwelling			
4-family dwelling			
Visalia:			
1-family dwelling	58,750	84,500	139,500
2-family dwelling	92,250	141,250	229,750
3-family dwelling			
4-family dwelling			
Bakersfield:			
1-family dwelling	61,000	89,000	144,000
2-family dwelling	94,250	143,750	235,000
3-family dwelling			
4-family dwelling			

Field Office: Honolulu, HI

Typical square foot area	900	1,400	1,800
Honolulu:			
1-family dwelling	\$120,000	\$200,000	\$275,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mau:			
1-family dwelling	125,000	190,000	250,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hawaii:			
1-family dwelling	105,000	150,000	190,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Kauai:			
1-family dwelling	115,000	155,000	195,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Guam:			
1-family dwelling	65,000	115,000	140,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Las Vegas, NV

Typical square foot area	900	1,390	2,200
Las Vegas:			
1-family dwelling	\$60,050	\$87,250	\$117,100
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Los Angeles, CA

Typical square foot area	1,230	1,280	2,760
Los Angeles:			
1-family dwelling	\$102,800	\$129,700	\$209,500
2-family dwelling	145,900		
3-family dwelling			
4-family dwelling	229,700	275,100	
Lancaster-Palmdale:			
1-family dwelling	75,200	100,100	173,500
2-family dwelling	111,500		
3-family dwelling			
4-family dwelling	192,100	233,900	
Ventura-Oxnard:			
1-family dwelling	76,800	104,000	185,000
2-family dwelling	115,900		
3-family dwelling	202,700	247,700	
4-family dwelling			
Santa Barbara-Ojai-Piru:			
1-family dwelling	97,000	124,100	202,700
2-family dwelling	136,000		
3-family dwelling			
4-family dwelling	222,800	268,000	
San Luis Obispo-Santa Maria-Paso Robles:			
1-family dwelling	73,400	96,000	171,000
2-family dwelling	109,500		
3-family dwelling			
4-family dwelling	189,500	226,900	

SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Field Office: Phoenix, AZ			
Typical square foot area	840	1,240	2,370
Phoenix:			
1-family dwelling	\$39,100	\$75,400	\$149,000
2-family dwelling	72,500	106,200	148,900
3-family dwelling	103,700	125,800	
4-family dwelling	122,900	156,400	204,400
Flagstaff:			
1-family dwelling	43,400	79,100	155,700
2-family dwelling	73,500	110,300	150,700
3-family dwelling	103,700	129,200	
4-family dwelling	124,300	156,100	208,000
Prescott:			
1-family dwelling	42,000	74,100	142,400
2-family dwelling	73,400	101,000	144,700
3-family dwelling	100,300	125,500	
4-family dwelling	128,300	156,300	211,900
Yuma:			
1-family dwelling	37,800	67,400	140,000
2-family dwelling	71,000	100,200	139,900
3-family dwelling	97,300	118,900	
4-family dwelling	118,900	145,400	195,400

Field Office: Reno, NV

Typical square foot area	1,160	1,380	2,190
Reno-Sparks:			
1-family dwelling	\$71,900	\$105,300	\$143,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Sacramento, CA

Typical square foot area	840	1,190	1,810
Sacramento:			
1-family dwelling	\$55,900	\$77,500	\$114,900
2-family dwelling		107,200	130,500
3-family dwelling			
4-family dwelling		218,700	
Placerville:			
1-family dwelling	69,900	76,800	122,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Chico:			
1-family dwelling	55,000	65,000	119,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Yreka:			
1-family dwelling	56,700	75,100	
2-family dwelling	99,900		
3-family dwelling			
4-family dwelling			

Field Office: San Diego, CA

Typical square foot area	940	1,640	2,640
San Diego:			
1-family dwelling	\$80,824	\$123,932	\$159,032
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: San Francisco, CA

Typical square foot area	1,260	1,470	2,090
San Francisco:			
1-family dwelling	\$113,000	\$157,000	\$249,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Jose:			
1-family dwelling	105,000	139,000	212,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Rafael:			
1-family dwelling	129,000	157,300	232,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Salinas:			
1-family dwelling	77,300	96,100	159,600
2-family dwelling			
3-family dwelling			

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
4-family dwelling			
Field Office: Santa Ana, CA			
Typical square foot area	1,120	1,710	2,190
Santa Ana:			
1-family dwelling	\$70,500	\$125,500	\$196,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Orange County:			
1-family dwelling		187,750	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Victorville:			
1-family dwelling	62,750	120,250	
2-family dwelling		155,250	
3-family dwelling			
4-family dwelling			
Indio:			
1-family dwelling	65,250	123,250	
2-family dwelling		158,500	
3-family dwelling			
4-family dwelling			
Blythe:			
1-family dwelling	63,500	121,000	
2-family dwelling		154,500	
3-family dwelling			
4-family dwelling			
Big Bear:			
1-family dwelling	\$68,500	\$130,000	
2-family dwelling		163,500	
3-family dwelling			
4-family dwelling			
Bishop:			
1-family dwelling	64,500	124,000	
2-family dwelling		158,000	
3-family dwelling			
4-family dwelling			
Field Office: Tucson, AZ			
Typical square foot area	1,190	1,560	1,820
Tucson:			
1-family dwelling	\$62,189	\$80,258	\$102,327
2-family dwelling			
3-family dwelling			
4-family dwelling			
Sierra Vista-Douglas Nogales:			
1-family dwelling	59,209	78,815	95,254

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
Field Office: Anchorage, AK			
Typical square foot area	1,020	1,450	1,800
Anchorage:			
1-family dwelling	\$108,600	\$148,400	\$209,300
2-family dwelling	178,300	216,600	275,300
3-family dwelling	237,900	316,100	390,800
4-family dwelling	293,100	400,000	493,100
Fairbanks:			
1-family dwelling	92,600	132,300	178,300
2-family dwelling	144,900	188,200	248,700
3-family dwelling	205,000	279,000	349,700
4-family dwelling	257,400	356,000	441,100
Juneau:			
1-family dwelling	100,000	139,000	189,600
2-family dwelling	144,900	188,200	248,700
3-family dwelling	229,200	308,100	383,600
4-family dwelling	278,600	382,900	471,600
Field Office: Boise, ID			
Typical Square Foot Area	910	1,220	2,340
Boise:			
1-family dwelling	\$52,969	\$63,510	\$102,385
2-family dwelling	69,284	77,305	
4-family dwelling		161,152	
Idaho Falls:			
1-family dwelling	51,482	61,405	98,847
2-family dwelling	66,597	74,021	
4-family dwelling		158,520	
McCall:			
1-family dwelling	52,794		
Pocatello:			
1-family dwelling	53,754	64,052	103,026
2-family dwelling	70,008	77,703	
4-family dwelling		163,497	
Lewiston:			
1-family dwelling	52,179		
Coeur d'Alene:			
1-family dwelling	54,104	65,427	104,643
2-family dwelling	70,875	78,177	
4-family dwelling		166,072	
Twin Falls:			
1-family dwelling	52,617	63,007	102,889
2-family dwelling	72,502	77,310	
4-family dwelling		164,455	
Field Office: Seattle, WA			
Typical Square Foot Area	1,090	1,130	1,340
Seattle:			
1-family dwelling	\$72,790	\$83,149	\$91,274
2-family dwelling	93,558	114,480	147,326
3-family dwelling		171,684	
4-family dwelling		229,444	

**SCHEDULE OF PROTOTYPE HOUSING COSTS:
ONE- TO FOUR-FAMILY DWELLINGS—Continued**

Market area	Low range	Medium range	High range
Field Office: Bellingham, WA			
1-family dwelling	70,802	80,998	89,017
2-family dwelling	91,289	111,864	144,169
3-family dwelling		167,557	
4-family dwelling		225,226	
Olympia-Port Angeles:			
1-family dwelling	69,801	80,212	88,310
2-family dwelling	90,557	111,733	144,790
3-family dwelling		169,226	
4-family dwelling		227,271	
Aberdeen:			
1-family dwelling	67,889	78,155	86,230
2-family dwelling	88,401	101,265	141,832
3-family dwelling		166,018	
4-family dwelling		223,354	
Longview:			
1-family dwelling	67,063	77,175	84,874
2-family dwelling	87,237	107,452	139,143
3-family dwelling		162,474	
4-family dwelling		219,090	
Yakima:			
1-family dwelling	66,840	76,371	82,703
2-family dwelling	86,241	105,776	136,517
3-family dwelling		159,898	
4-family dwelling		214,650	
Field Office: Spokane, WA			
Typical Square Foot Area	1,000	1,000	1,000
Spokane:			
1-family dwelling	\$50,122	\$66,744	\$89,766
2-family dwelling	67,164	83,824	122,134
4-family dwelling	108,575	125,192	148,109
Pullman:			
1-family dwelling	49,824	59,207	95,125
2-family dwelling	68,435	86,724	116,799
4-family dwelling	111,148	130,164	158,405
Kennewick:			
1-family dwelling	50,298	77,011	103,077
2-family dwelling	75,873	95,051	125,946
4-family dwelling	126,049	142,944	168,237
Field Office: Portland OR			
Typical Square Foot Area	1,160	1,700	2,180
Portland:			
1-family dwelling	\$62,090	\$72,580	\$98,070
2-family dwelling	95,880	105,660	121,160
3-family dwelling	145,500	159,020	182,080
4-family dwelling	175,670	192,800	221,220
Band-Coos Bay-Eugene:			
1-family dwelling	60,000	71,060	85,160
2-family dwelling	92,150	104,380	118,240
3-family dwelling	143,290	155,170	177,540
4-family dwelling	170,670	187,320	214,230
Medford:			
1-family dwelling	60,340	70,250	82,830
2-family dwelling	91,680	102,750	118,360
3-family dwelling	142,710	156,100	178,940
4-family dwelling	172,650	189,480	217,730

[PR Doc. 84-2153 Filed 1-26-84; 8:45 am]

BILLING CODE 4210-27-M

Federal Register

Friday
January 27, 1984

Part V

Department of Energy

Federal Energy Regulatory Commission

**Determinations by Jurisdictional Agencies
Under the Natural Gas Policy Act of
1978; Notice**

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Vol. 1052]

Determinations by Jurisdictional
Agencies Under the Natural Gas Policy
Act of 1978

Issued: January 24, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated

annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart

Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1000 Ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
107-CB: Geopressured brine
107-CS: Coal Seams
107-DV: Devonian Shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recombination tight formation
Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup
Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED JANUARY 24, 1984

VOLUME 1052

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
***** KENTUCKY DEPARTMENT OF MINES & MINERALS *****								
***** J. W. KINZER *****								
8410243	505993	1619500000	107-DV	RECEIVED: 12/02/83	JA: KY GRANT PHILLIPS #4	PIKEVILLE	0.0	COLUMBIA GAS TRAN
***** TEXAS RAILROAD COMMISSION *****								
***** AMERADA HESS CORPORATION *****								
8413933	F-7C-075832	4238300000	108	RECEIVED: 12/27/83	JA: TX G L ALDWELL #401	SPRABERRY TREND	2.6	EL PASO NATURAL G
8413932	F-7C-075831	4238300000	108		G L ALDWELL #4501	SPRABERRY TREND	3.8	EL PASO NATURAL G
8413931	F-7C-075830	4238300000	108		G L ALDWELL #4701	SPRABERRY TREND	2.2	EL PASO NATURAL G
***** AMOCO PRODUCTION CO *****								
8413846	F-08-075170	4230130339	102-4	RECEIVED: 12/27/83	JA: TX A G HILL-HALEY #1-A	HALEY (MORROW)	5.4	AMOCO GAS CO
8413970	F-8A-075951	4227930263	103		ANTON IRISH CLEARFORK UNIT #432	ANTON IRISH	20.0	WESTAR TRANSMISSI
8413968	F-8A-075949	4207931745	103		DEAN "B" OPERATING AREA UNIT #153	SLAUGHTER	6.0	AMOCO PRODUCTION
8413974	F-8A-075955	4221933903	103		ELLWOOD "A" #157	SMYER	3.0	AMOCO PRODUCTION
8413976	F-8A-075957	4221934039	103		ELLWOOD "A" #158	SMYER	2.0	AMOCO PRODUCTION
8413966	F-08-075947	4200333499	103		J E PARKER - H - #19	PARKER (PENNSYLVANIAN)	90.0	PHILLIPS PETROLEU
8413967	F-7C-075948	4210534537	103		J S TODD "A" R/A "A" #15	WYATT	462.0	PERMIAN CORP
8413971	F-8A-075952	4221934013	103		LEVELLAND UNIT #795	LEVELLAND	146.0	AMOCO PRODUCTION
8413972	F-8A-075953	4221934007	103		LEVELLAND UNIT #802	LEVELLAND	92.0	AMOCO PRODUCTION
8414027	F-08-076128	4237134365	103		LOUIS RATHJEN #3	ABELL (CLEARFORK)	280.0	PERRY PIPELINE CO
8413975	F-8A-075956	4221933958	103		MAY MONTGOMERY UNIT #81	LEVELLAND	0.0	AMOCO PRODUCTION
8413973	F-8A-075954	4221933957	103		MAY MONTGOMERY UNIT #82	LEVELLAND	45.0	AMOCO PRODUCTION
8413965	F-08-075946	4213534200	103		NORTH COWDEN UNIT #1135	COWDEN NORTH	1.0	AMOCO PRODUCTION
8413874	F-08-075997	4213534236	103		NORTH COWDEN UNIT #1146	COWDEN NORTH	0.1	AMOCO PRODUCTION
8413969	F-8A-075950	4221934041	103		SLAUGHTER ESTATE UNIT #1-24	SLAUGHTER	156.0	AMOCO PRODUCTION
8413977	F-8A-075958	4221934042	103		SLAUGHTER ESTATE UNIT #3-59	SLAUGHTER	85.0	AMOCO PRODUCTION
***** ARCO OIL AND GAS COMPANY *****								
8413849	F-08-075174	4213534173	103	RECEIVED: 12/27/83	JA: TX GOLDSMITH CUMMINS (DEEP) UNIT #180	GOLDSMITH (CLEARFORK)	20.0	PHILLIPS PETROLEU
8413850	F-08-075175	4213534174	103		GOLDSMITH CUMMINS (DEEP) UNIT #181	GOLDSMITH (CLEARFORK)	25.0	PHILLIPS PETROLEU
***** AMS PETROLEUM CO *****								
8414028	F-7B-076129	4213334384	102-6	RECEIVED: 12/27/83	JA: TX MORRIS (19395)	FLATWOOD EAST (GARDNE)	0.0	FLATWOOD GAS INC
***** BAR-MAC & HOLLUB DRILLING CO *****								
8413962	F-03-075922	4205132500	102-4	RECEIVED: 12/27/83	JA: TX SUN-HILLARD #1	INEZ JAMESON (NAVARRO)	17.0	FERGUSON CROSSING
***** BEARD OIL COMPANY *****								
8414020	F-06-076102	4241930322	103	RECEIVED: 12/27/83	JA: TX CRANE A-95 #1	EARNST HILL FIELD	100.0	
8414008	F-06-076041	4241930433	103		THOMAS J MCKEE U S A #1	DUNCAN CEMETARY (JAME	360.0	
8413957	F-06-075892	4241930429	103		U S A WILLIAM WILLIAMS #1	SHELBYVILLE EAST (PAL	10.0	
8413956	F-06-075891	4241930491	103		VERNON BARTLE #3	SHELBYVILLE (PALUXY)	385.0	
***** BILL FENN INC *****								
8413853	F-03-075202	4228731446	102-2	RECEIVED: 12/27/83	JA: TX PEGGY "JW" #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
***** BJB EXPLORATION CO *****								
8413905	F-02-075710	4246900000	103	RECEIVED: 12/27/83	JA: TX SCHNEIDER-BRANDT #2	COLOGNE (1650)	85.0	HOUSTON PIPELINE
***** BTA OIL PRODUCERS *****								
8413901	F-08-075594	4213534323	103	RECEIVED: 12/27/83	JA: TX RATLIFF #59	COWDEN NORTH	3.6	AMOCO PRODUCTION
***** BURK ROYALTY CO *****								
8413930	F-09-075828	4248711661	103	RECEIVED: 12/27/83	JA: TX LANCASTER #2	WILBARGER COUNTY REGU	0.0	KIBO COMPRESSOR C

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8413981	F-09-075976	4250335785	103		MAC WILLIAMS "5U" #3	YOUNG COUNTY REGULAR	0.0	KIBO COMPRESSOR C
-CAPROCK ENGINEERS INC			RECEIVED:	12/27/83	JA: TX			
8413939	F-10-075846	4206541477	103		TINA #1 (ID#05528)	PANHANDLE CARSON	40.0	CABOT PIPELINE CO
8413938	F-10-075845	4206531676	103		TINA #2 (ID# 05528)	PANHANDLE CARSON	93.0	CABOT PIPELINE CO
-CHAMPLIN EXPLORATION INC			RECEIVED:	12/27/83	JA: TX			
8413923	F-8A-075979	4207931811	103		RJR RANCH-YOUNG 5-3	BONANZA (SAN ANDRES)	4.8	WARREN PETROLEUM
-CIRCLE SEVEN PRODUCTION CO			RECEIVED:	12/27/83	JA: TX			
8414009	F-09-076045	4223734504	102-4		HAMPTON #1 ID #23093	GENNIFER M (CONGLOMER	1.2	LONE STAR GAS CO
8413897	F-09-075941	4223735448	103		HILTON #1	DEARING (STRAWN LOWER	0.0	SOUTHWESTERN GAS
-CITIES SERVICE OIL & GAS CORP			RECEIVED:	12/27/83	JA: TX			
8413949	F-8A-075824	4216532612	103		WEST SEMINOLE SAN ANDRES UNIT #810	SEMINOLE WEST	74.0	CITIES SERVICE OI
-CLARK EXPLORATION & PRODUCTION CO			RECEIVED:	12/27/83	JA: TX			
8413936	F-08-075843	4205132506	102-2		WILLARD BROCK #1 REC #16932	GIDDINGS (AUSTIN CHAL	0.0	
-CMC ENERGY INC			RECEIVED:	12/27/83	JA: TX			
8414001	F-04-076027	4213100000	108		MILLER RUTLEDGE 1A 093915	BENAVIDES (4530)	15.8	ESPERANZA TRANSMI
8413995	F-04-076004	4213100000	108		V M HOOPER #1 091485	BENAVIDES (JACKSON)	11.8	ESPERANZA TRANSMI
-CONOCO INC			RECEIVED:	12/27/83	JA: TX			
8413895	F-8A-075533	4216932133	102-4 103		SOUTH HUNTLEY UNIT #48 I D 64383	HUNTLEY 3400	0.4	MID PLAINS PETROC
-CORPUS CHRISTI OIL AND GAS CO			RECEIVED:	12/27/83	JA: TX			
8413947	F-02-075866	4260330217	102-4		STATE TRACT 731-S WELL #1	PANTHER POINT (5480)*	0.0	HOUSTON PIPELINE
-DELTA OIL & GAS CO			RECEIVED:	12/27/83	JA: TX			
8413848	F-7B-075173	4242900000	108		BLANCHE WINSTON RRC#14840	STEPHENS COUNTY REGUL	0.0	LONE STAR GAS CO
8413958	F-7B-075909	4242900000	103		GARLAND CODY "A"	STEPHENS COUNTY REGUL	0.0	LONE STAR GAS CO
8413873	F-7B-075387	4242900000	103		MRS D M STANFORD	CADDO (ELLENBURGER MI	0.0	LONE STAR GAS CO
-DIECKEMPER RAY J JR			RECEIVED:	12/27/83	JA: TX			
8413866	F-8A-075360	4216900000	102-4		EFFIE DUNN #1 I D 089677	P H D	3.3	MID PLAINS PETROC
8413867	F-8A-075362	4216900000	102-4 103		EFFIE DUNN #3 I D 089677	P H D	3.3	MID PLAINS PETROC
8413868	F-8A-075363	4216930913	102-4 103		EFFIE DUNN #4 I D 089677	P H D	3.3	MID PLAINS PETROC
8413869	F-8A-075364	4216931724	102-4 103		EFFIE DUNN #5 I D 089677	P H D	3.3	MID PLAINS PETROC
8413870	F-8A-075365	4216931723	102-4 103		EFFIE DUNN #6 I D 089677	P H D	3.3	MID PLAINS PETROC
-DURANGO OPERATING CO INC			RECEIVED:	12/27/83	JA: TX			
8413884	F-7B-075491	4205934348	102-4		A A WILLIAMS #4 (18676)	DURANGO (COOK)	65.0	LONE STAR GAS CO
8413887	F-7B-075494	4205934189	102-4		FRANK WINDHAM #5 (18978)	DURANGO (COOK)	51.0	LONE STAR GAS CO
8413886	F-7B-075493	4205934190	102-4		FRANK WINDHAM #6 (18978)	DURANGO (COOK)	73.0	LONE STAR GAS CO
8413885	F-7B-075492	4205934274	102-4		FRANK WINDHAM #7 (18978)	DURANGO (COOK)	43.0	LONE STAR GAS CO
-ENERGY RESERVES GROUP INC			RECEIVED:	12/27/83	JA: TX			
8413896	F-7C-075535	4208131134	103		J E CHAPPELL "A" #19	JAMESON (STRAWN)	8.6	UNION TEXAS PETRO
-EXXON CORPORATION			RECEIVED:	12/27/83	JA: TX			
8413923	F-01-075819	4201300000	108		E J PRUITT 3 (03269)	CHARLOTTE (EDWARDS LI	3.0	VALERO TRANSMISSI
8413996	F-8A-076007	4221933804	103		JAMES I DELOACHE #1	LEVILLAND	12.0	
8413988	F-04-075990	4226130835	102-4		KING RANCH BADENO 16 (107421)	SAN JOSE SOUTH (G-35	464.0	ARMCO STEEL CORP
8413907	F-04-075734	4227331779	102-4		KING RANCH BORREGOS M-39-B (06566)	BORREGOS (ZONE N-25 M	58.0	ARMCO STEEL CORP
8413989	F-04-075991	4227331766	102-4		KING RANCH BORREGOS ME-36 (107471)	BORREGOS (ZONE P-8 SE	644.0	ARMCO STEEL CORP
8413924	F-04-075821	4204700000	108		MCGILL BROS 353-D (063740)	KELSEY (MCGILL 3 & 4)	18.0	TRUNKLINE GAS CO
8413927	F-04-075824	4204700000	108		MCGILL BROS 469 (094616)	KELSEY DEEP (22-C S)	17.0	TRUNKLINE GAS CO
8413925	F-04-075822	4204700000	108		MCGILL BROS 472 (093737)	KELSEY SOUTH (26-A 5)	13.0	TRUNKLINE GAS CO
8414026	F-04-076126	4226130505	102-4		MRS S K EAST 103 (10336)	RITA (5-M SEG II)	14.0	NATURAL GAS PIPEL
8413991	F-04-075994	4226130564	102-4		MRS S K EAST 111-D (107521)	RITA N E (H-23)	200.0	ARMCO STEEL CORP
8413910	F-08-075783	4227733062	102-4		S WALDRON #7	MOORE (DEEP FSLM)	21.0	EL PASO HYDROCARB
8413928	F-04-075825	4226100000	108		SARITA FIELD OIL & GAS UNIT 117 (04	SARITA (2-A)	15.0	NATURAL GAS PIPEL
8413926	F-04-075823	4204700000	108		SCOTT & HOPPER FIELD GAS UNIT 1 WE	SCOTT & HOPPER (I-14	12.0	TENNESSEE GAS PIP
8413851	F-08-075179	4200333545	103		STATE UNIVERSITY FE #1	ANDREWS SOUTH (WOLFC	20.0	
-FORTUNE PRODUCTION CO			RECEIVED:	12/27/83	JA: TX			
8413929	F-7C-075827	4223532134	103		MURPHY #2	CAL SOUTH (CANYON)	95.3	FARMLAND INDUSTRI
-GEODYNE RESOURCES INC			RECEIVED:	12/27/83	JA: TX			
8413856	F-10-075238	4219530863	103		CROOKS #1	HANSFORD (DES MOINES	6.6	PHILLIPS PETROLEU
-GERALD STEINBERGER			RECEIVED:	12/27/83	JA: TX			
8413894	F-09-075532	4207700000	103		KINDER "C" WELL #1	SCALING RANCH SO (ELL	20.0	FAGADAU ENERGY CO
-GHR ENERGY CORP			RECEIVED:	12/27/83	JA: TX			
8413917	F-04-075801	4247931477	108		ALEX #1 ID #071161	LAREDO (LOBO)	2.0	UNITED TEXAS TRAN
8413916	F-04-075799	4247930997	108		ALEXANDER #5 ID #063379	LAREDO (LOBO)	3.0	UNITED TEXAS TRAN
-GRAHAM PRODUCTION CO			RECEIVED:	12/27/83	JA: TX			
8413876	F-03-075429	4248132263	102-4		OUTLAR UNIT #1	WHARTON WEST (FRIO 54	186.0	NATURAL GAS PIPEL
-GULF OIL CORPORATION			RECEIVED:	12/27/83	JA: TX			
8413937	F-08-075864	4247522933	103		HUTCHINGS STOCK ASSN #1117	WAGON WHEEL (PENN)	127.0	CABOT CORP
8413915	F-8A-075792	4221933950	103		M G GORDON #36	SLAUGHTER (CLEARFORK	0.0	AMOCO PRODUCTION
8413860	F-8A-075290	4221933949	103		MALLET LAND & CATTLE CO #104	SLAUGHTER	0.0	AMOCO PRODUCTION
-H L BROWN JR			RECEIVED:	12/27/83	JA: TX			
8413838	F-7C-075101	4244330296	102-4		G CHANDLER #1	CHANDLER (WOLFCAMP)	357.7	REATA INDUSTRIAL
-HINTON PRODUCTION COMPANY			RECEIVED:	12/27/83	JA: TX			
8413862	F-06-075329	4240131614	102-4		LANGFORD #1	MT ENTERPRISE (RODESS	550.0	TEJAS GAS CORP
-HOWELL DRILLING INC			RECEIVED:	12/27/83	JA: TX			
8413847	F-02-075171	4223931486	103		ALLNOCH #4	TEXANA N	0.0	HOUSTON PIPE LINE
-HUGHES & HUGHES OIL AND GAS			RECEIVED:	12/27/83	JA: TX			
8413877	F-04-075431	4247933650	102-4		BRUNI-MARSHALL GAS UNIT #1	TOM SHEARMAN (11150)	548.0	HOUSTON PIPE LINE
-HUTCHCO PRODUCTION INC			RECEIVED:	12/27/83	JA: TX			
8413891	F-7C-075528	4238300000	103		UNIVERSITY #1 09584	SPRABERRY TREND	5.0	EL PASO HYDROCARB
8413892	F-7C-075529	4238300000	103		UNIVERSITY A #1 10112	SPRABERRY TREND AREA	5.0	EL PASO HYDROCARB
8413893	F-7C-075530	4238300000	103		UNIVERSITY 11 #1 09546	SPRABERRY TREND AREA	5.0	EL PASO HYDROCARB
8413890	F-7C-075527	4238300000	103		UNIVERSITY 3 #2 09583	SPRABERRY TREND AREA	5.0	EL PASO HYDROCARB
-J C DANIELS ENERGY			RECEIVED:	12/27/83	JA: TX			
8413875	F-10-075428	4217931459	103		HENDRIX #1	PANHANDLE	2.0	CABOT PIPELINE CO
8413904	F-10-075702	4217931456	103		HENDRIX #4	PANHANDLE	2.0	CABOT PIPELINE CO
-J M HUBER CORPORATION			RECEIVED:	12/27/83	JA: TX			
8413964	F-10-075929	4223331555	103		BRYAN MAYFIELD UNIT #9-31	PANHANDLE	12.4	COLORADO INTERSTA
8413963	F-10-075928	4223331554	103		BRYAN MAYFIELD UNIT #9-32	PANHANDLE	8.0	COLORADO INTERSTA
8414022	F-10-076104	4206500000	108		BURNETT "R" #2	WEST PANHANDLE	9.4	NORTHERN NATURAL
8414021	F-10-076103	4206500000	108		BURNETT "R" #6	WEST PANHANDLE	17.4	COLORADO INTERSTA
8414025	F-10-076107	4223300000	108		CHEATHAM "B" #3	WEST PANHANDLE	8.5	COLORADO INTERSTA
8414024	F-10-076106	4234130531	108		FRITCHAM "A" #1A	WEST PANHANDLE	11.5	COLORADO INTERSTA
8414023	F-10-076105	4234100000	108		RUSSELL #5	WEST PANHANDLE	10.5	COLORADO INTERSTA
-JENNINGS EXPLORATION CO			RECEIVED:	12/27/83	JA: TX			
8413918	F-01-075807	4250731979	102-4		H&F PROPERTIES "33" #1 107524	RANDOLPH WEST FIELD B	83.0	REATA INDUSTRIAL
-JONES CO			RECEIVED:	12/27/83	JA: TX			
8414007	F-7B-076040	4241734512	102-4		DILLER "42A" #1	DILLER (GARDNER)	73.0	DELHI GAS PIPELIN
-KAARI OIL CO			RECEIVED:	12/27/83	JA: TX			
8413911	F-10-075784	4206531456	103		W E COBB #4 (ID 005414)	PANHANDLE CARSON	40.0	CABOT PIPELINE CO
-L & B OIL CO INC			RECEIVED:	12/27/83	JA: TX			
8413858	F-08-075267	4217331336	102-4		DEVENTER #1	DEWEY LAKE S (STRAWN)	54.0	PHILLIPS PETROLEU
8413857	F-08-075266	4217331435	102-4		HALFMANN #1	DEWEY LAKE S (STRAWN)	170.0	PHILLIPS PETROLEU
-LAMBERT HOLLUB DRILLING CO			RECEIVED:	12/27/83	JA: TX			
8414016	F-03-076088	4205132492	102-4		MORTON - WILLARD #1	INEZ JAMESON (NAVARRO	10.5	FERGUSON CROSSING
8414017	F-03-076090	4205132492	102-4		RAYMOND WILLARD #1	INEZ JAMESON (NAVARRO	40.8	FERGUSON CROSSING
-LAYTON ENTERPRISES INC			RECEIVED:	12/27/83	JA: TX			

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8413994	F-8A-076003	4207931605	103		REED WRIGHT #8-15	LEVELLAND	8.9	CITIES SERVICE CO
8413999	F-8A-076019	4207931609	103		REED WRIGHT #C-18	LEVELLAND	8.9	CITIES SERVICE CO
-LIVEOAK PRODUCTION CO					RECEIVED: 12/27/83			
8413844	F-7B-075139	4208333659	102-4		TED TAYLOR ET AL #3 (NEW WELL)	TRICKHAM (CROSSCUT LO	18.5	ENSERCH CO
-M S KLOTZMAN EXPLORATION					RECEIVED: 12/27/83			
8413854	F-03-075203	4248132508	102-4		GANGU UNIT #1	HILLJE EAST (5670' FR	109.0	HOUSTON PIPELINE
-MARSHALL R YOUNG OIL CO					RECEIVED: 12/27/83			
8413840	F-8A-075121	4250132231	103		WILMA JOHNSON #1	JANICE (WOLFCAMP)	0.0	WARREN PETROLEUM
8413839	F-8A-075120	4250132325	103		WILMA JOHNSON A #1	JANICE (WOLFCAMP)	925.5	
-MID-AMERICA PETROLEUM INC					RECEIVED: 12/27/83			
8413863	F-7C-075346	4238332258	103		SLAUGHTER #2	SPRABERRY (TREND AREA	9.0	NORTHERN NATURAL
-MISTEX PETROLEUM					RECEIVED: 12/27/83			
8414003	F-10-076030	4223331632	103		HUBER-PRITCHARD #12	PANHANDLE	90.0	J M HUBER CORP
-MITCHELL ENERGY CORPORATION					RECEIVED: 12/27/83			
8413879	F-09-075448	4223734547	102-4	103	FORT WORTH NATIONAL BANK #1	JERMYN WEST (CADDO-MF	5.7	
8413845	F-09-075165	4249732535	103		J M ROBINSON #5	BOONSVILLE (BEND CONG	302.9	NATURAL GAS PIPEL
8413990	F-09-075993	4223735322	103		M D HUTTON #4 22329	WOODKIRK (STRAWN)	7.9	BRAZOS FUEL CO IN
8413950	F-09-075875	4249732607	103		T C W B #36 17160	CAP YATES (CONSOLIDAT	51.6	NATURAL GAS PIPEL
8414030	F-09-076136	4249732000	108		TARRANT COUNTY WATER BD #10 17160	CAP YATES (CONSOLIDAT	0.0	NATURAL GAS PIPEL
8413880	F-09-075471	4249732594	102-4	103	W L MACKEY #6	NEWARK EAST (BARNETT	405.0	NATURAL GAS PIPEL
-MOBIL PRDGT TEXAS & NEW MEXICO INC					RECEIVED: 12/27/83			
8413842	F-8A-075135	4221933915	103		EAST MALLET UNIT #116	SLAUGHTER	1.0	EL PASO NATURAL G
8413959	F-8A-075912	4221933912	103		EAST MALLET UNIT #120	SLAUGHTER	4.4	AMOCO PRODUCTION
8413960	F-8A-075914	4221933911	103		EAST MALLET UNIT #121	SLAUGHTER	5.8	AMOCO PRODUCTION
8413954	F-08-075888	4222733088	103		MARY CHALK #62	HOWARD-GLASSCOCK (GLO	0.4	PHILLIPS PETROLEU
8413953	F-08-075887	4222733087	103		MARY CHALK #63	HOWARD-GLASSCOCK (GLO	0.4	PHILLIPS PETROLEU
8414015	F-08-076055	4222733086	103		MARY CHALK #64	HOWARD-GLASSCOCK (GLO	0.4	PHILLIPS PETROLEU
8413961	F-08-075915	4222733085	103		MARY CHALK #65	HOWARD-GLASSCOCK (GLO	0.4	PHILLIPS PETROLEU
8414019	F-8A-076097	4221934075	103		NORTH CENTRAL LEVELLAND UNIT NO 396	LEVELLAND	11.7	AMOCO PRODUCTION
8413943	F-08-075860	4222733081	103		OWEN CHALK #40	HOWARD GLASSCOCK (GLO	0.4	PHILLIPS PETROLEU
8413863	F-08-075136	4230130438	102-4		RICHEY SEC 36 #1	WHEAT (CHERRY CANYON)	18.0	INTRATEX GAS CO
8413921	F-08-075813	4210330341	108		TEXAS UNIVERSITY SEC 1 & 2 #37	DUNE	0.4	WARREN PETROLEUM
8413920	F-08-075812	4210330333	108		TEXAS UNIVERSITY SEC 15 & 16 #1607	DUNE	0.5	PHILLIPS PETROLEU
8413922	F-08-075814	4210330881	108		U-TEX BB #5	DUNE	1.1	PHILLIPS PETROLEU
8413919	F-08-075811	4210330000	108		UNIVERSITY WADDELL DEVONIAN #204C	UNIVERSITY WADDELL (D	3.6	EL PASO NATURAL G
8413992	F-08-075997	4230130425	102-4		W D JOHNSON D #5	DIMMIT (CHERRY CANYON	25.2	INTRATEX GAS CO
8413942	F-08-075859	4230130424	102-4		W D JOHNSON ET AL L #4	DIMMIT (CHERRY CANYON	25.2	INTRATEX GAS CO
-MOSBACHER PRODUCTION CO					RECEIVED: 12/27/83			
8413982	F-8A-075977	4216532585	102-4	103	HAMILTON MCRAE #1	MCRAE (CLEARFORK L) F	46.0	
-NEUMIN PRODUCTION CO					RECEIVED: 12/27/83			
8413955	F-02-075889	4205731251	103		STATE TRACT 27 WELL #2	LAVACA BAY (F-31)	840.0	ALUMINUM CO OF AM
-NEWHALL RESOURCES					RECEIVED: 12/27/83			
8413878	F-7C-075444	4239931703	103		DAYTON DOUGLAS ET AL #2	TALPA SW (DOG BEND)	0.0	EL PASO HYDROCARB
-O B OIL INC					RECEIVED: 12/27/83			
8413871	F-7B-075375	4239932817	102-4		FAUBION #2 (COIL)	HRUBETZ (ELLENBURGER)	1.0	UNION TEXAS PETRO
8413872	F-7B-075376	4239932819	102-4		ROSSON #1 (20177)	HRUBETZ (ELLENBURGER)	0.0	UNION TEXAS PETRO
-PALEOSEARCH					RECEIVED: 12/27/83			
8413941	F-7B-075857	4205933068	102-4		TOMMIE HARRIS #1 (106442)	HARRIS (ELLENBURGER)	198.0	PECOS GATHERING S
-PANHANDLE PLUGGERS INC					RECEIVED: 12/27/83			
8413914	F-10-075788	4217931422	103		GORMAN (05434) #4	PANHANDLE GRAY COUNTY	6.0	KERR-MCGEE CORP
8413913	F-10-075787	4217931380	103		GORMAN (05434) #5	PANHANDLE GRAY COUNTY	2.0	KERR-MCGEE CORP
8413912	F-10-075786	4217931395	103		GORMAN (05434) #6	PANHANDLE GRAY COUNTY	18.0	KERR-MCGEE CORP
-PANSTAR OIL & GAS INC					RECEIVED: 12/27/83			
8413945	F-10-075864	4206531478	103		FIELDS #1 (ID# 05524)	PANHANDLE CARSON	69.0	CABOT PIPELINE CO
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 12/27/83			
8413861	F-08-075325	4222733067	103		(11100) GILLIHAN #3	BIG SPRING (FUSSELMAN	11.0	GETTY OIL CO
8413952	F-10-075878	4217900000	108		PHIL-PAMPA #21-1	PANHANDLE GRAY	0.0	GETTY OIL CO
-PHYKO ENERGY CORP					RECEIVED: 12/27/83			
8414006	F-03-076038	4232131301	102-4		GERALD G FARR #1	SARGENT	100.0	DOW CHEMICAL CO
-R A W ENERGY CORP					RECEIVED: 12/27/83			
8413898	F-7B-075542	4208333481	102-4		SEALY-SMITH #7	LAKE COLEMAN (MORRIS	150.0	UNION TEXAS PETRO
-REGAL OPERATING CO INC					RECEIVED: 12/27/83			
8413888	F-7B-075497	4213335406	102-4		HARGRAVE #1 (GAS)	T E C (CADDO)	365.0	EL PASO HYDROCARB
-RIDGE OIL CO					RECEIVED: 12/27/83			
8413948	F-7B-075873	4213335350	102-4	103	HIGGINBOTHAM #2	REBECCA (MARBLE FALLS	38.3	COMPRESSOR RENTAL
-SCARTH OIL & GAS CO					RECEIVED: 12/27/83			
8413951	F-10-075877	4229530611	108		PIPER 601-2	BRADFORD (CLEVELAND)	21.5	TRANSWESTERN PIPE
-SEELY OIL CO					RECEIVED: 12/27/83			
8413852	F-7B-075180	4242933736	102-4		T P ROBERTSON-METCALF #3	ANN T (MISS)	26.0	GREAT WESTERN GAS
-SNOW OIL CO					RECEIVED: 12/27/83			
8413940	F-7B-075856	4213331560	102-4		CONARD MILLER #1 (16023)	PAT KAHAN (MISS)	177.0	LONE STAR GAS CO
8413997	F-7B-076014	4213332287	102-4		HARPER #1 (18460)	REB (MARBLE FALLS)	3.0	LONE STAR GAS CO
8413998	F-7B-076015	4213335395	102-4		KINCAID-NORTH #2 (18725)	REBECCA (MARBLE FALLS	29.0	LONE STAR GAS CO
8413993	F-7B-076000	4213300000	102-4		LOHRANCE #1 (18961)	REB (MARBLE FALLS)	21.0	LONE STAR GAS CO
-SOCORRO ENERGY INC					RECEIVED: 12/27/83			
8413906	F-02-075712	4225531054	102-4		B P GREEN #5	JOBYRD	0.0	REATA INDUSTRIAL
-SOHIO PETROLEUM CO					RECEIVED: 12/27/83			
8413978	F-08-075960	4237134257	103		CANON #61 #1	YUCCA BUTTE W (ELLENB	126.0	INTRATEX GAS CO
-SOUTHLAND ROYALTY CO					RECEIVED: 12/27/83			
8413865	F-08-075358	4243131322	103		107-TF FLINT ESTATE #11	CONGER PENN	35.0	VALERO TRANSMISSI
8413903	F-7C-075694	4238301445	108		W E BOYD ET AL #3-9	CALVIN DEAN	15.0	UNION TEXAS PETRO
-SUE-ANN OIL & GAS CO					RECEIVED: 12/27/83			
8413934	F-03-075834	4216730632	103		KAHLA UNIT #1	CAPLEN (FB-3 1-B)	30.0	WINNIE PIPELINE C
-SUN EXPLORATION & PRODUCTION CO					RECEIVED: 12/27/83			
8413908	F-04-075775	4242700000	108		J F HALL #18	N RINCON	20.0	FLORIDA GAS TRANS
8413899	F-8A-075548	4216500000	108		M S DOSS -B- #6	ROBERTSON NORTH	4.0	PHILLIPS PETROLEU
8413935	F-7C-075835	4210500000	108		RUBY HELBING #1-C & 1-T	OZONA SOUTH HUNT-BAGG	18.0	NORTHERN NATURAL
-SUPERIOR OIL CO					RECEIVED: 12/27/83			
8414000	F-08-076021	4247533055	102-4	103	WILLIAMS PAUL J WELL #3	COLLIE (DELAWARE)	34.0	WESTAR TRANSMISSI
-TAYLOR, CLAYTON & HAWLEY					RECEIVED: 12/27/83			
8414005	F-10-076037	4217931392	103		TAYLOR "GO" #6	PANHANDLE GRAY COUNTY	1.2	PHILLIPS PETROLEU
8414004	F-10-076036	4217931271	103		TAYLOR FEE "A" #6	PANHANDLE GRAY COUNTY	1.2	PHILLIPS PETROLEU
-TEXACO INC					RECEIVED: 12/27/83			
8413864	F-8A-075354	4221934056	103		MONTGOMERY ESTATE DAVIES NCT-2 #103	LEVELLAND	14.2	AMOCO PRODUCTION
-TEXLAND-RECTOR & SCHUMACHER					RECEIVED: 12/27/83			
8413946	F-8A-075865	4221933947	103		J O HAYMES #6	SLAUGHTER	6.0	AMOCO PRODUCTION
-THOMPSON J CLEO & JAMES CLEO JR					RECEIVED: 12/27/83			
8413900	F-7C-075552	4210534542	103		107-TF THOMPSON FEE #17	OZONA (CANYON SAND)	210.0	
-TOM BROWN INC					RECEIVED: 12/27/83			
8413881	F-7C-075473	4243500000	103		107-TF HILL-EDWIN S MAYER JR "AA" #1	SAWYER (CANYON)	73.0	LONE STAR GAS CO
8413882	F-7C-075474	4243532948	103		107-TF HILL-EDWIN S MAYER JR "Y" #1	SAWYER (CANYON)	73.0	LONE STAR GAS CO
8413883	F-7C-075475	4243532914	103		107-TF HILL-MINNIE H MAYER "B" #1	SAWYER (CANYON)	73.0	LONE STAR GAS CO
-TOM L INGRAM					RECEIVED: 12/27/83			
8413841	F-08-075132	4200333161	103		NORA #1	FUHRMAN-MASCHO	18.3	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
-TREPPEL PETROL EXPLOR & DEV CORP			RECEIVED: 12/27/83 JA: TX			
8413980 F-8A-075962	4211531773	103	KILGORE #2	ACKERLY (DEAN SAND)	19.1	GETTY OIL CO
8413979 F-8A-075961	4211531771	103	KILGORE #3	ACKERLY (DEAN SAND)	16.2	GETTY OIL CO
-TRIPLE J INVESTMENTS INC			RECEIVED: 12/27/83 JA: TX			
8413985 F-06-075987	4240131624	103	SANDERS #1	TALIAFERRO (PETTIT UP)	70.0	PARADE CO
8413984 F-06-075985	4240131666	103	WILTON FAIR #1-A	TALIAFERRO (PETTIT UP)	35.0	PARADE CO
8413986 F-06-075988	4240131752	103	WILTON FAIR #2-A	TALIAFERRO (PETTIT UP)	35.0	PARADE CO
8413987 F-06-075989	4240131702	103	WILTON FAIR JR #1-B	TALIAFERRO (UPPER PET)	35.0	PARADE CO
-TXO PRODUCTION CORP			RECEIVED: 12/27/83 JA: TX			
8413909 F-08-075780	4237134485	103	WOODWARD 64 #3	CHENOT (WOLF CAMP)	700.0	DELHI GAS PIPELIN
-UNION OIL COMPANY OF CALIF			RECEIVED: 12/27/83 JA: TX			
8414013 F-08-076053	4238900000	108	H F ANTHONY #4	WORSHAM (CHERRY CANYO)	15.0	EL PASO NATURAL G
8414010 F-08-076050	4238900000	108	N T EVANS #4	WORSHAM (CHERRY CANYO)	9.0	EL PASO NATURAL G
8414011 F-08-076051	4238900000	108	N T EVANS #5	WORSHAM (CHERRY CANYO)	1.0	EL PASO NATURAL G
8414012 F-08-076052	4238900000	108	N T EVANS #6	WORSHAM (CHERRY CANYO)	7.0	EL PASO NATURAL G
8414014 F-7C-076054	4238331261	108	UNIVERSITY "49-6" #1	BLOCK #9 (2450')	0.0	J L DAVIS
8414002 F-7C-076029	4238331330	108	UNIVERSITY "49-7" #1	BLOCK #9 (2450')	1.5	J L DAVIS
-W B D OIL & GAS CO			RECEIVED: 12/27/83 JA: TX			
8414018 F-10-076094	4234130939	103	SANDRA #3 (ID# 05396)	PANHANDLE MOORE	40.0	DIAMOND CHEMICAL
-WAYNE HARPER			RECEIVED: 12/27/83 JA: TX			
8413944 F-09-075862	4209732082	103	WM HOWELL "B" WELL #9	SIVELLS BEND FIELD	3.6	SIVELLS GAS LTD
-WESLEY SENKEL INC			RECEIVED: 12/27/83 JA: TX			
8413859 F-09-075283	4250300000	102-4	LOFTIN #9	SENKEL (CADD0 4600) F	0.0	SOUTHWESTERN GAS
-WILBROOK EXPLORATION INC			RECEIVED: 12/27/83 JA: TX			
8413889 F-7B-075500	4242933617	102-4	S & E REAL ESTATE #1	NEELY (BEND CONGL)	384.0	SOUTHWESTERN GAS
-WILSON MINERALS INC			RECEIVED: 12/27/83 JA: TX			
8413855 F-7B-075209	4208333647	102-4	RUTHERFORD-WILSON #4	ROCKWOOD (FRY SAND)	60.0	CITY OF BRADY
-WY-VEL CORP			RECEIVED: 12/27/83 JA: TX			
8414029 F-10-076130	4217931439	103	AEBERSOLD (04904) #11	PANHANDLE	81.0	CABOT CORP
-3-M ENERGY CORP			RECEIVED: 12/27/83 JA: TX			
8413902 F-7C-075672	4238332666	103	C E HAM "3" #1	SPRABERRY (TREND AREA)	91.0	EL PASO NATURAL G

[FR Doc. 84-2365 Filed 1-26-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. 1053]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 24, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the

extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, Va 22161. Categories within each NGPA section

are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1000 Ft. rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
107-GB: Geopressed brine
107-CS: Coal Seams
107-DV: Devonian Shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recombination tight formation

Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS ISSUED JANUARY 24, 1984

VOLUME 1053

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION								

-ALLEN H S	83-1577	1707321999	103	RECEIVED:	01/04/84 JA: LA	MONROE	18.3	MID-LOUISIANA GAS
-AMINOIL USA INC	83-1616	1707523103	103	RECEIVED:	01/04/84 JA: LA	LAKE WASHINGTON	51.0	SOUTHERN NATURAL
-ARCO OIL AND GAS COMPANY	83-1644	1710121306	103	RECEIVED:	01/04/84 JA: LA	BAYOU SALE	420.0	TENNESSEE GAS TRA
-ARKLA EXPLORATION COMPANY	83-1504	1707522911	102-4	RECEIVED:	01/04/84 JA: LA	LAKE PETIT	550.0	ARKANSAS LOUISIAN
-BETHLAN PRODUCTION CORP	83-1568	1711123941	103	RECEIVED:	01/04/84 JA: LA	MONROE	0.0	IMC PIPELINE CO I
-BROCK EXPLORATION CORP	83-1651	1712120108	102-3	RECEIVED:	01/04/84 JA: LA	ADDIS	523.4	MONTEREY PIPELINE
-BROCK PETROLEUM CORP	83-0753	1700720361	102-4	RECEIVED:	01/04/84 JA: LA	COTEAU FRENE	1825.0	TEXAS EASTERN TRA
-CHEVRON U S A INC	83-1704	1771720174	103	RECEIVED:	01/04/84 JA: LA	BAY MARCHAND BLOCK #2	84.0	TENNESSEE GAS PIP
-CONOCO INC	83-1631	1704520548	102-4	RECEIVED:	01/04/84 JA: LA	BAYOU LONG	2000.0	SOUTHERN NATURAL
-COTTON PETROLEUM CORPORATION	83-1609	1711321182	102-4	RECEIVED:	01/04/84 JA: LA	WILDCAT	0.0	TRANSCONTINENTAL
-CRYSTAL OIL AND LAND COMPANY	83-1615	1701521898	103	RECEIVED:	01/04/84 JA: LA	ARKANA	18.3	ARKANSAS LOUISIAN
-D J F PETROLEUM CORP	83-1556	1703100000	102-4	RECEIVED:	01/04/84 JA: LA	SPIDER	365.0	TEXAS EASTERN TRA
-DAVIS OIL COMPANY	83-0909	1701921131	102-4	RECEIVED:	01/04/84 JA: LA	WILDCAT	1277.0	DOW INTRASTATE GA
-DEVON ENERGY CORPORATION	83-1578	1711123921	103	RECEIVED:	01/04/84 JA: LA	MONROE	12.0	TEXAS GAS TRANSMI
-EXXON CORPORATION	83-1622	1705721477	103	RECEIVED:	01/04/84 JA: LA	LAKE RACCOURCI	700.0	COLUMBIA GAS TRAN
-FOREST OIL CORPORATION	83-1098	1700120517	102-2	RECEIVED:	01/04/84 JA: LA	LITTLE BARNES CREEK	270.0	FLORIDA GAS TRANS
-FRONTIER EXPLORATION INC	83-1241	1706920153	103	RECEIVED:	01/04/84 JA: LA	ASHLAND	214.0	UNITED GAS PIPE L
-GETTY OIL COMPANY	83-1557	1702702138	108	RECEIVED:	01/04/84 JA: LA	ATHENS	15.0	ARKANSAS LOUISIAN
-GRACE PETROLEUM CORPORATION	83-1043	1701724128	103	RECEIVED:	01/04/84 JA: LA	LONGWOOD	0.0	SOUTHWESTERN ELEC
-GULF OIL CORPORATION	83-1046	1709720669	103	RECEIVED:	01/04/84 JA: LA	KROTZ SPRINGS	730.0	MICHIGAN WISCONSI
-HALL OIL COMPANY	83-1565	1705721894	102-4	RECEIVED:	01/04/84 JA: LA	TIMBALIER BAY	95.0	TENNESSEE GAS PIP
-HALL OIL COMPANY	83-1560	1707522859	102-4	RECEIVED:	01/04/84 JA: LA	QUARANTINE BAY FIELD	120.0	UNITED GAS PIPELI
-HALL OIL COMPANY	83-1561	1707522933	102-4	RECEIVED:	01/04/84 JA: LA	QUARANTINE BAY FIELD	69.0	UNITED GAS PIPELI
-HALL OIL COMPANY	83-1559	1707522793	102-4	RECEIVED:	01/04/84 JA: LA	NORTH BLACK BAY FIELD	182.0	SOUTHERN NATURAL
-HALL OIL COMPANY	83-1705	1707523026	103	RECEIVED:	01/04/84 JA: LA	WEST BAY FIELD	110.0	TEXAS EASTERN TRA

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8414144	83-1617	1707522588	103		S/L 7332 #2	QUARANTINE BAY	700.0	UNITED GAS PIPELI
8414165	83-1569	1707522625	102-4		SL 195 00 #299	QUARANTINE BAY	36.0	UNITED GAS PIPELI
8414137	83-1548	1707522686	102-1		SL 195 00 #304-D	QUARANTINE BAY	30.0	UNITED GAS PIPELI
8414130	83-1552	1707522597	102-4		SL 195 00 #93	WEST BLACK BAY	500.0	SOUTHERN NATURAL
8414131	83-1551	1707522544	102-4		SL 195 00 #293-D	QUARANTINE BAY	450.0	UNITED GAS PIPELI
8414136	83-1550	1707522558	102-4		SL 195 00 #300	QUARANTINE BAY	360.0	UNITED GAS PIPELI
8414173	83-1562	1707522873	102-4		WELL #311 S L 195 00	QUARANTINE BAY FIELD	32.0	UNITED GAS PIPELI
-H J BONNER			RECEIVED:	01/04/84	JA: LA			
8414164	83-1570	1707320471	108		BUCKLEY #1 - SERIAL #144311	MONROE GAS ROCK	277.0	MID LOUISIANA GAS
-HERD PRODUCING COMPANY INC			RECEIVED:	01/04/84	JA: LA			
8414129	83-1616	1702721062	103		SALE #1 HA RC SUB	COLQUITT	120.0	LOUISIANA INTRAST
-INEXCO OIL COMPANY			RECEIVED:	01/04/84	JA: LA			
8414204	83-1623	1705320744	102-4		EMORY F LYON ET AL #2	SOUTH THORNWELL	900.0	COLUMBIA GAS TRAN
-J M HUBER CORPORATION			RECEIVED:	01/04/84	JA: LA			
8414186	83-0913	1709320196	103		PELTO FEE #2	HESTER	440.0	UNITED GAS PIPE L
-JEEMS BAYOU PRODUCTION CORP			RECEIVED:	01/04/84	JA: LA			
8414191	83-1242	1703121894	103		BISSELL #1 U HOSS RA SUGG	BENSON 1440	127.0	LOUISIANA INTRAST
-JOHN O CLAY EXPLORATION INC			RECEIVED:	01/04/84	JA: LA			
8414179	83-1522	1712720852	102-4		W MCCARTY #2	CROSSROADS	60.0	LOUISIANA INTRAST
-LUVAN BO			RECEIVED:	01/04/84	JA: LA			
8414176	83-1702	1701724936	103		BO LUVAN EDMONSON #1	CADDO PINE ISLAND	15.0	ARKANSAS LOUISIAN
-LYONS PETROLEUM INC			RECEIVED:	01/04/84	JA: LA			
8414187	83-1652	1709920918	103		DR SIDNEY FREDRICK ET AL #1	SOUTH ARNAUDVILLE	182.0	AMOCO PRODUCTION
-M H MARR			RECEIVED:	01/04/84	JA: LA			
8414159	83-0503	1702721113	102-4		SMITH EST #1 M H MARR SMK A RB SUE	LISBON FIELD	400.0	UNITED GAS PIPELI
-MCALISTER FUEL COMPANY			RECEIVED:	01/04/84	JA: LA			
8414145	83-1627	1770020180	102-4		STATE LEASE 8076 #1 (169823)	WILDCAT W CAMERON BLO	912.0	
-MID LOUISIANA GAS COMPANY			RECEIVED:	01/04/84	JA: LA			
8414162	83-1572	1711123980	103		MLGC FEE GAS #1211	MONROE GAS FIELD	18.0	MID LOUISIANA GAS
8414163	83-1571	1711124042	103		MLGC FEE GAS #1220	MONROE GAS FIELD	25.2	MID LOUISIANA GAS
8414183	83-1498	1711124047	103		MLGC FEE GAS #1223	MONROE GAS FIELD	25.2	MID LOUISIANA GAS
8414199	83-1497	1711124048	103		MLGC FEE GAS #1224	MONROE GAS FIELD	25.2	MID LOUISIANA GAS
8414193	83-1576	1711124074	103		MLGC FEE GAS #1240	MONROE GAS FIELD	18.0	MID LOUISIANA GAS
8414194	83-1575	1711124075	103		MLGC FEE GAS #1241	MONROE GAS FIELD	18.0	MID LOUISIANA GAS
8414180	83-1574	1711124088	103		MLGC FEE GAS #1245	MONROE GAS FIELD	226.0	MID LOUISIANA GAS
8414161	83-1573	1711124089	103		MLGC FEE GAS #1246	MONROE GAS FIELD	20.8	MID LOUISIANA GAS
-MINERAL DEVELOPMENT-PRITCHARD			RECEIVED:	01/04/84	JA: LA			
8414177	83-1701	1701722973	103		CITY OF SHREVEPORT #1 HOSS RA SUE	SHREVEPORT	36.0	SOUTHWESTERN ELEC
-MOORE MCCORMACK OIL & GAS CORP			RECEIVED:	01/04/84	JA: LA			
8414141	83-1633	1700320225	103		DEL ESTATE #10	CLEAR CREEK	0.0	TRUNKLINE GAS CO
-MORAN EXPLORATION INC			RECEIVED:	01/04/84	JA: LA			
8414150	83-1149	1701921144	102-4		PRAIRIE LAND CO #1 HBY RA SUB	SOUTH LAKE CHARLES	0.0	DOW INTRASTATE GA
-PENNZOIL COMPANY			RECEIVED:	01/04/84	JA: LA			
8414185	83-1045	1772120357	102-2		SOUTH PASS 57-58 #A-17 SL 6310 A 17	SOUTH PAS 57-58 AREA	1168.0	LOUISIANA INTRAST
-RESOURCES INVESTMENT CORPORATION			RECEIVED:	01/04/84	JA: LA			
8414167	83-1630	1701920866	102-4		PRAIRIE CANAL CO INC #1 VUA	SOUTH LAKE CHARLES	325.0	LOUISIANA INTRAST
8414147	83-1629	1701920866	102-4		PRAIRIE CANAL CO INC #1-D VUA	SOUTH LAKE CHARLES	1200.0	LOUISIANA INTRAST
8414142	83-1632	1701920981	102-4		PRAIRIE CANAL CO INC #2D VUA	SOUTH LAKE CHARLES 51	58.4	LOUISIANA INTRAST
-RUTHERFORD OIL CORP			RECEIVED:	01/04/84	JA: LA			
8414157	83-0740	1701921132	102-4		LAWTON ET AL #2	PINE RIDGE	1095.0	
-SANTANA EXPLORATION INC			RECEIVED:	01/04/84	JA: LA			
8414198	83-1097	1700320237	102-4		JERRY J KING SR #1 VUA	NORTHEAST FONTENOT	730.0	LOUISIANA STATE G
-SHELL OIL CO			RECEIVED:	01/04/84	JA: LA			
8414195	83-1566	1772120335	102-3		SP BLK 42 SL 8431 #4	SOUTH PASS BLOCK 42 F	1095.0	LOUISIANA INTRAST
-SUN EXPLORATION & PRODUCTION CO			RECEIVED:	01/04/84	JA: LA			
8414180	83-1613	1703122067	103		ROY LAFFITTE #8	RED RIVER BULL BAYOU	208.0	
-SUPERIOR OIL CO			RECEIVED:	01/04/84	JA: LA			
8414132	83-1619	1702321823	103		MIAMI CORPORATION 5-13	PECAN LAKE FIELD	1000.0	TRUNKLINE GAS CO
8414205	83-1621	1702321704	103		S L 2038 #39	DEEP LAKE	750.0	MICHIGAN-WISCONSI
8414206	83-1620	1702321753	103		S L 6209 #2	DEEP LAKE	1095.0	
8414138	83-1650	1704720646	103		SCHWING L&S CO #79	BAYOU BLEU	1.0	DOW INTRASTATE GA
-TENNECO OIL COMPANY			RECEIVED:	01/04/84	JA: LA			
8414158	83-0705	1703121423	103		FOSTER #1 CV RA SUN	CASPIANA	170.0	J-W OPERATING CO
8414139	83-1646	1705721955	102-2		TENNECO FEE "R" #3	GRANDBOIS	500.0	TEXACO INC
-TEXACO INC			RECEIVED:	01/04/84	JA: LA			
8414189	83-1176	1701724835	102-4 103		IDA C LAWTON ET AL #1 SLI RC SU35	CADDO PINE ISLAND	53.0	
8414154	83-0552	1701725100	102-4 103		PORTER EST #1 SLI RC SU 4	CADDO PINE ISLAND	88.0	ARKANSAS LOUISIAN
8414170	83-1608	1710922585	102-4 103		SL 188 CAILLOU ISLAND #709	CAILLOU ISLAND	7.0	KAISER ALUMINUM &
8414168	83-1624	1708920271	102-4		SUNSET REALTY & PLANTING CO #79	PARADIS	79.0	UNITED GAS PIPE L
8414200	83-0553	1701725132	102-4		WILLIAMS JR ET UX #3 SLI RC SU 2	CADDO PINE ISLAND	110.0	ARKANSAS LOUISIAN
-TIPCO			RECEIVED:	01/04/84	JA: LA			
8414178	83-1700	1772720080	103		STATE LEASE 2220 #50	ELOI BAY	10.0	SOUTHERN NATURAL
-TXO PRODUCTION CORP			RECEIVED:	01/04/84	JA: LA			
8414184	83-1546	1703121886	102-4		COLLINS "B" #1-D PET RA SUF	GRAND CANE	0.0	DELHI GAS PIPELIN
-UNION TEXAS PETROLEUM			RECEIVED:	01/04/84	JA: LA			
8414171	83-1654	1706120288	103		107-TF HOOD 24 #1 UCV RA SUT	TERRYVILLE (UPPER COT	182.5	SUGAR BOWL GAS CO
8414181	83-1611	1705320749	102-4		TR5#13	LAKE ARTHUR N	365.0	SUGAR BOWL GAS CO
-VERNON E FAULCONER			RECEIVED:	01/04/84	JA: LA			
8414153	83-1155	1703121481	102-4		BAGLEY #1 GRRA SUA 173061	BETHANY - LONGSTREET	36.0	ARKANSAS LOUISIAN
-WEAVER OIL AND GAS CORPORATION			RECEIVED:	01/04/84	JA: LA			
8414133	83-1618	1700121114	103		C B HERNANDEZ #1 F-5 RC SUA	BOSCO	120.0	

DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALBUQUERQUE, NM								

-AMOCO PRODUCTION CO			RECEIVED:	12/29/83	JA: NM 4			
8414034	NM0644-83	3004525544	103		FEDERAL GAS COM "H" #1	BLANCO MESAVERDE	0.0	SOUTHERN UNION GA
-BLACKWOOD & NICHOLS CO LTD			RECEIVED:	12/29/83	JA: NM 4			
8414043	NM0526-83	3004525258	108		NORTHEAST BLANCO UNIT #65	BLANCO MESAVERDE NE/4	18.0	EL PASO NATURAL G
8414042	NM1073-83PB	3004501086	108-PB		NORTHEAST BLANCO UNIT WELL #33-12	BLANCO MESAVERDE SW 1	0.0	EL PASO NATURAL G
8414041	NM1075-83PB	3004501057	108-PB		NORTHEAST BLANCO UNIT WELL #61-19	BLANCO MESAVERDE NE 1	16.0	EL PASO NATURAL G
-COTTON PETROLEUM CORPORATION			RECEIVED:	12/29/83	JA: NM 4			
8414054	NM-0703-83PB	3003921764	108-PB		APACHE #12	SOUTH BLANCO	0.0	NORTHWEST PIPELIN
8414055	NM-1464-83PB	3003921271	108-PB		APACHE #17	SOUTH BLANCO	0.0	NORTHWEST PIPELIN
-DUGAN PRODUCTION CORP			RECEIVED:	12/29/83	JA: NM 4			
8414051	NM-088783107	3004525408	103		107-TF POLE'S PARADISE #2	BASIN DAKOTA	30.0	NORTHWEST PIPELIN
8414032	NM0597-83107	3004525430	103		107-TF TURKS TOAST #1	BASIN DAKOTA	50.0	NORTHWEST PIPELIN
-EL PASO EXPLORATION CO			RECEIVED:	12/29/83	JA: NM 4			
8414038	NM-0446-83	3003920009	108		JICARILLA 119 N #13	TAPACITO-PICTURED CLI	18.0	NORTHWEST PIPELIN
8414056	NM-1573-83PB	3004506443	108-PB		SAN JUAN 27-8 B #4	SOUTH BLANCO	0.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY			RECEIVED:	12/29/83	JA: NM 4			
8414110	NM-1583-83PB	3004520589	108-PB		ATLANTIC B #10	BLANCO	0.0	EL PASO NATURAL G
8414068	NM-1572-83PB	3004520758	108-PB		ATLANTIC C #9	BLANCO	0.0	EL PASO NATURAL G
8414124	NM-1600-83PB	3004506857	108-PB		BLANCO #13	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414065	NM-1568-83PB	3003920271	108-PB		CANYON LARGO UNIT #151	OTERO	0.0	EL PASO NATURAL G

JD NO.	JA DKT	API NO.	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8414066	NM-1570-83PB	3003920278	108-PB		CANYON LARGO UNIT #154	OTERO	0.0	EL PASO NATURAL G
8414108	NM-1586-83PB	3003920741	108-PB		CANYON LARGO UNIT #205	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414119	NM-1597-83PB	3003920789	108-PB		CANYON LARGO UNIT #227	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414075	NM-1542-83PB	3004521114	108-PB		CASE #17	BLANCO	0.0	EL PASO NATURAL G
8414114	NM-1590-83PB	3004520864	108-PB		DAUM #3	AZTEC	0.0	EL PASO NATURAL G
8414127	NM-0617-83PB	3004520907	108-PB		DAY A #14	BLANCO	0.0	EL PASO NATURAL G
8414088	NM-1521-83PB	3004520906	108-PB		DAY A #15	BLANCO	0.0	EL PASO NATURAL G
8414111	NM-1589-83PB	3004521111	108-PB		DRYDEN #7	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414103	NM-1579-83PB	3004520462	108-PB		FLORANCE #8	BLANCO	0.0	EL PASO NATURAL G
8414064	NM-1553-83PB	3004506398	108-PB		FLORANCE D #8	BLANCO	0.0	EL PASO NATURAL G
8414072	NM-1580-83PB	3004520460	108-PB		GRAMBLING #6	BLANCO	0.0	EL PASO NATURAL G
8414062	NM-1551-83PB	3004521563	108-PB		HANCOCK A #10	OTERO	0.0	EL PASO NATURAL G
8414099	NM-1516-83PB	3004506954	108-PB		HANCOCK A #3	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414123	NM-1601-83PB	3004521151	108-PB		HARDIG #10	BLANCO	0.0	EL PASO NATURAL G
8414082	NM-1531-83PB	3004510087	108-PB		HEATON COM A #13	AZTEC	0.0	EL PASO NATURAL G
8414089	NM-1524-83PB	3004521522	108-PB		HOWELL F #2 CH & PC	LARGO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8414117	NM-1595-83PB	3004521458	108-PB		HUBBELL #13	AZTEC	0.0	EL PASO NATURAL G
8414109	NM-1587-83PB	3004521809	108-PB		HUERFANO UNIT #265	ANGELS PEAK & BASIN	0.0	EL PASO NATURAL G
8414120	NM-1596-83PB	3004521049	108-PB		KING #2	BLANCO	0.0	EL PASO NATURAL G
8414071	NM-1574-83PB	3003920254	108-PB		KLEIN #13	OTERO	0.0	EL PASO NATURAL G
8414105	NM-1585-83PB	3003920255	108-PB		KLEIN #14	OTERO	0.0	EL PASO NATURAL G
8414087	NM-1525-83PB	3004520861	108-PB		LACKEY A #6	AZTEC	0.0	EL PASO NATURAL G
8414063	NM-1552-83PB	3004513258	108-PB		LACKEY B #2	AZTEC	0.0	EL PASO NATURAL G
8414085	NM-1533-83PB	3004513259	108-PB		LACKEY B #3	AZTEC	0.0	EL PASO NATURAL G
8414097	NM-0924-83PB	3004513259	108-PB		LACKEY B #3	AZTEC	0.0	EL PASO NATURAL G
8414122	NM-1598-83PB	3003920919	108-PB		LINDRITH UNIT #77	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414090	NM-1520-83PB	3004509246	108-PB		LUDWICK #17	BASIN	0.0	EL PASO NATURAL G
8414096	NM-1018-83PB	3004509246	108-PB		LUDWICK #17	BASIN	0.0	EL PASO NATURAL G
8414107	NM-1581-83PB	3004509329	108-PB		LUDWICK #6	AZTEC	0.0	EL PASO NATURAL G
8414104	NM-0665-83PB	3004509028	108-PB		LUDWICK #8	BLANCO	0.0	EL PASO NATURAL G
8414086	NM-1526-83PB	3004507017	108-PB		MICHENER B #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414098	NM-1519-83PB	3004513208	108-PB		MUDGE #20	BASIN	0.0	EL PASO NATURAL G
8414078	NM-1537-83PB	3004521083	108-PB		MUDGE #37	BLANCO	0.0	EL PASO NATURAL G
8414067	NM-1554-83PB	3004521028	108-PB		MUDGE #41	BLANCO	0.0	EL PASO NATURAL G
8414061	NM-1550-83PB	3004507698	108-PB		NEUDECKER #2	AZTEC	0.0	EL PASO NATURAL G
8414094	NM-1095-83PB	3003906985	108-PB		RINCON UNIT #113	BLANCO	0.0	EL PASO NATURAL G
8414121	NM-1599-83PB	3003920713	108-PB		RINCON UNIT #195	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414093	NM-1528-83PB	3003921716	108-PB		RINCON UNIT #212	OTERO	0.0	EL PASO NATURAL G
8414074	NM-1541-83PB	3003922223	108-PB		RINCON UNIT #232	OTERO	0.0	EL PASO NATURAL G
8414092	NM-1527-83PB	3003906909	108-PB		RINCON UNIT #39	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414083	NM-1532-83PB	3003906807	108-PB		RINCON UNIT #50	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414076	NM-1539-83PB	3003906929	108-PB		RINCON UNIT #60	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414081	NM-1534-83PB	3003906864	108-PB		RINCON UNIT #62	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414091	NM-1529-83PB	3003906893	108-PB		RINCON UNIT #69	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414073	NM-1536-83PB	3003906925	108-PB		RINCON UNIT #70	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414080	NM-1796-83PB	3004521090	108-PB		ROELOFS A #6	BLANCO	0.0	EL PASO NATURAL G
8414100	NM-1179-83PB	3003920106	108-PB		SAN JUAN UT #77	BASIN	0.0	EL PASO NATURAL G
8414126	NM-0571-83PB	3003907442	108-PB		SAN JUAN 28-5 UNIT #27	BLANCO	0.0	EL PASO NATURAL G
8414115	NM-1594-83PB	3003920856	108-PB		SAN JUAN 28-6 UNIT #190	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414069	NM-1578-83PB	3003920960	108-PB		SAN JUAN 28-7 NP UNIT #202	LARGO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8414077	NM-1540-83PB	3003920406	108-PB		SAN JUAN 28-7 UNIT #160	OTERO	0.0	EL PASO NATURAL G
8414116	NM-1593-83PB	3003920875	108-PB		SAN JUAN 28-7 UNIT #216	BASIN	0.0	EL PASO NATURAL G
8414060	NM-1567-83PB	3003907124	108-PB		SAN JUAN 28-7 UNIT #86	BLANCO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8414102	NM-0808-83PB	3003907869	108-PB		SAN JUAN 30-6 #33	BLANCO	0.0	EL PASO NATURAL G
8414079	NM-1538-83PB	3004511314	108-PB		SAN JUAN 32-9 UNIT #27	BLANCO	0.0	EL PASO NATURAL G
8414084	NM-1535-83PB	3004506766	108-PB		SCHWEDTFEGER A #4	SOUTH BLANCO	0.0	EL PASO NATURAL G
8414101	NM-1518-83PB	3004509161	108-PB		SELLERS #6	BASIN	0.0	EL PASO NATURAL G
8414095	NM-1530-83PB	3004513231	108-PB		STOREY B #3	BLANCO	0.0	EL PASO NATURAL G
8414070	NM-1576-83PB	3004520791	108-PB		SUNRAY #4	BLANCO	0.0	EL PASO NATURAL G
8414112	NM-1588-83PB	3004521135	108-PB		SUNRAY H #3	BLANCO	0.0	EL PASO NATURAL G
8414118	NM-1592-83PB	3004521136	108-PB		SUNRAY H #5	BLANCO	0.0	EL PASO NATURAL G
8414113	NM-1591-83PB	3004521050	108-PB		TURNER #6	BLANCO	0.0	EL PASO NATURAL G
8414106	NM-1582-83PB	3003920258	108-PB		VAUGHN #10	OTERO	0.0	EL PASO NATURAL G
8414125	NM-0484-83PB	3004520489	108-PB		WOODRIVER #3	BLANCO	0.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC			RECEIVED:	12/29/83	JA: NM 4			
8414050	NM0552-83	3004525144	108		E H PIPKIN #13	FULCHER KUTZ PICTURED	3.4	SOUTHERN UNION GA
-GETTY OIL COMPANY			RECEIVED:	12/29/83	JA: NM 4			
8414035	NM-0537-83	3004505988	108		J W GODDARD #4	GALLEGOS GALLUP	20.0	EL PASO NATURAL G
8414033	NM-0520-83	3003905766	108		JICARILLA "B" #20	BASIN DAKOTA	10.0	EL PASO NATURAL G
-HUSKY OIL COMPANY			RECEIVED:	12/29/83	JA: NM 4			
8414059	NM-0765-83PB	3004566244	108-PB		FRONTIER AZTEC B #1-D	BASIN	0.0	EL PASO NATURAL G
-JOHN E SCHALK			RECEIVED:	12/29/83	JA: NM 4			
8414040	NM-0541-83	3003921057	108		SCHALK 29-4 WELL #1	BLANCO MESA VERDE	0.0	NORTHWEST PIPELIN
-MOBIL PRDG TEXAS & NEW MEXICO INC			RECEIVED:	12/29/83	JA: NM 4			
8414057	NM-1523-83PB	3003921811	108-PB		JICARILLA E #2A	BLANCO	0.0	NORTHWEST PIPELIN
8414058	NM-1298-83PB	3004509323	108-PB		STEVENS UNIT #2	BASIN	0.0	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION			RECEIVED:	12/29/83	JA: NM 4			
8414047	NM1275-83PB	3003906897	108-PB		JICARILLA 92 #2	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8414044	NM1276-83PB	3003920019	108-PB		JICARILLA 92 #3	TAPCITO PICTURED CLIF	0.0	NORTHWEST PIPELIN
8414046	NM1272-83PB	3003907960	108-PB		ROSA UNIT 16	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8414045	NM1277-83PB	3003907567	108-PB		SAN JUAN 29-5 UNIT 16	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8414053	NM-0660-83	3003921805	108		SAN JUAN 29-5 UNIT 87	GOVERNADOR PICTURED C	0.0	NORTHWEST PIPELIN
8414049	NM1270-83PB	3004511184	108-PB		SAN JUAN 32-8 UNIT 25	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8414048	NM 1271-83PB	3004511231	108-PB		SAN JUAN 32-8 UNIT 31	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
-PETRO-LEWIS CORPORATION			RECEIVED:	12/29/83	JA: NM 4			
8414037	NM0510-83	3003922866	103		FLORANCE #10 (7-A)	BLANCO MESAVERDE	6.0	EL PASO NATURAL G
8414036	NM0511-83	3003922865	103		FLORANCE #11 (8-A)	BLANCO MESAVERDE	10.0	EL PASO NATURAL G
8414031	NM0512-83	3003922831	103		FLORANCE #9	BLANCO MESAVERDE	6.0	EL PASO NATURAL G
-ROBERT L BAYLESS			RECEIVED:	12/29/83	JA: NM 4			
8414052	NM-0688-83	3004525506	103		MORTON #1	BASIN DAKOTA	175.0	NORTHWEST PIPELIN
-SOUTHLAND ROYALTY CO			RECEIVED:	12/29/83	JA: NM 4			
8414039	NM-0165-83	3004500000	108		NYE #17	WILDCAT GALLUP	14.0	SOUTHERN UNION GA

[FR Doc. 84-2368 Filed 1-26-84; 8:45 am]

BILLING CODE 6717-01-C

Environmental Protection Agency

Friday
January 27, 1984

Part VI

**Department of
Energy**

**Office of Conservation and Renewable
Energy**

10 CFR Part 440

**Weatherization Assistance for Low-
Income Persons; Final Rule**

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 440

[Docket No. CAS-RM-80-508]

Weatherization Assistance for Low-Income Persons

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy is issuing a final rule today amending the regulation for weatherization assistance for low-income persons. The principal amendments in this action are: incorporating new weatherization measures to the authorized list; updating the standards for the materials for the authorized measures; simplifying the guidance for preparing State applications; making the energy audit procedures more flexible; and reducing the sixty-six percent eligibility requirement on weatherizing duplexes and four-unit buildings to fifty percent. No change to the provisions of the regulation relating to the maximum allowable expenditure per dwelling unit, or the priority in providing weatherization assistance is contained in this action.

The amendments in this final rule give the States additional flexibility to develop and implement their weatherization programs and increase their ability to conserve energy and assist low-income persons.

EFFECTIVE DATE: February 27, 1984.

FOR FURTHER INFORMATION CONTACT:

Greg Reamy, Office of Weatherization, Assistance Programs, Conservation and Renewable Energy, Department of Energy, Mail Stop 5G-023, Forrestal Building, 100 Independence Avenue SW., Washington, D.C. 20585 (202) 252-2207

Ted Pulliam, Office of General Counsel, Department of Energy, Mail Stop 6B-144, Forrestal Building, 100 Independence Avenue SW., Washington, D.C. 20585 (202) 252-9507.

SUPPLEMENTARY INFORMATION:

- I. Introduction and Description of the Program
- II. Amendments to the Weatherization Assistance Program
- III. Environmental, Regulatory Impact, Small Entity Impact, Paperwork Reduction Act, and Coordinating Agency Reviews

I. Introduction and Description of the Program

The Department of Energy (DOE) is amending the regulation for the program

for weatherization assistance for low-income persons (program, Weatherization Assistance Program, or WAP), 10 CFR Part 440, issued under Title IV of the Energy Conservation and Production Act, as amended (Act or program statute) Pub. L. 94-385, 90 Stat. 1150 (42 U.S.C. 6861 *et seq.*).

The purpose of today's action is to improve the operation of the Weatherization Assistance Program. The Department is taking this action based in part on the response to a Notice of Inquiry (NOI) published by DOE in the *Federal Register* on July 14, 1983 (48 FR 32273) and to a Notice of Proposed Rulemaking (NPR) published by DOE in the *Federal Register* on November 4, 1983 (48 FR 51068). The NOI and NPR solicited public comments about the general direction and scope of the program and its regulation, together with specific suggestions about modifying the program.

Description of the Program

The Act authorized DOE to establish a program to weatherize the homes of low-income persons, particularly those who are elderly or handicapped. The program is intended to reduce national energy consumption, particularly of imported oil, and to reduce the impact of higher fuel costs on low-income families. Funds are provided to install insulation, storm windows, caulking, weatherstripping, and to make other improvements to conserve energy.

DOE currently makes grants to States, the District of Columbia, and, under certain circumstances, Indian tribal organizations. The Governor, or his appointed designee, applies for, receives, and administers the grant funds. The funds are distributed by the States and the District of Columbia to local governments and nonprofit organizations to weatherize homes. Certain Indian tribal organizations also administer Federal funds and perform weatherization activities under this program.

Funds are allocated by DOE on a formula basis, determined by the relative need for weatherization assistance among the States. The formula takes into account the number of low-income households, the percentage of total residential energy used for space heating and cooling, and the number of heating and cooling degree days in each State.

The Act permits grant funds to be spent for weatherization materials, program support, labor, administration, and training and technical assistance. Program support includes salaries of on-site supervisors, purchase or lease of

equipment, and other operating costs such as transportation, rental of warehouse space, and insurance of vehicles.

Overall administrative costs are limited to not more than ten percent of a grant. A State may use not more than five percent of a grant for its administrative expenses. The remainder is to be used by the subgrantee(s) for their administrative expenses.

The legislation also mandates the use, to the maximum extent practicable, of volunteers and labor funded in accordance with the Comprehensive Employment and Training Act of 1973 (CETA). However, the CETA program has now been repealed by Section 194 of the Job Training Partnership Act (JTPA). (Pub. L. 97-300, 96 Stat. 1357). Section 183 of the JTPA provided that references to CETA in other statutes, such as the program statute, shall be deemed to refer to the JTPA. Changes to the regulations have been made to comply with this statute.

II. Amendments to the Weatherization Assistance Program

In this document, DOE has made several changes to the regulation which will give the States more flexibility in operating the program, and will better enable the program to achieve its purposes of conserving energy and benefiting low-income persons. The principal changes are: adding new weatherization measures to the authorized list, updating the standards for materials for the authorized measures, simplifying the guidance for preparing State applications, making the energy audit procedures more flexible, and reducing the sixty-six percent eligibility requirement on weatherizing duplexes and four-unit buildings to fifty percent. Some technical changes are also made; however, no change has been made to the provisions of the regulations relating to the maximum allowable expenditure per dwelling unit or the priority in providing weatherization assistance. The changes are in response to experience gained in administering the program since 1980 and to comments submitted in response to the NOI and the NPR.

DOE encourages State grantees and subgrantees to take full advantage of the flexibility made available to them in this rule. Because of the unique characteristics and capabilities of each State and its local agencies, DOE believes that the State and local agencies are in the best position to determine the needs of their low-income populations. Consequently, this regulation is written to provide a range

of choices for State and local agencies which will enable them to select those options which best serve the needs of their eligible populations. The program, however, has certain legislative and regulatory requirements which must be met. Some of the comments received in response to the NOPR have indicated some uncertainty regarding the boundaries of State flexibility under the proposed amendments to the regulation. (Almost all of these amendments have been incorporated into the final rule issued today.) In order to ensure that legislative and regulatory parameters are adhered to, while allowing State grantees and subgrantees as much flexibility as possible, DOE has included the following discussion concerning its approach to implementing these regulations.

The Weatherization Assistance Program is a State grant program. Its goal is to save energy for low-income families. Grantees, therefore, should maximize energy savings for the lowest possible cost. Increased spending by a grantee should always result in additional homes being weatherized or proportionately greater energy savings. The Department has provided a regulatory framework within which this goal can be accomplished. However, State and local agencies must apply the flexibility introduced into this regulation in order to fully achieve this objective.

The Department views the approved State plan and annual application as the agreement between itself and the grantee which sets forth the manner in which the State will conduct the program. The State plan must be developed to meet minimum legislative and regulatory requirements. However, a grantee must go further if it wishes to take full advantage of the range of regulatory flexibilities. For example, if the State plan does not address the need to exceed the \$1,000 on expenditures per dwelling unit limit, then \$1,000 per dwelling unit automatically applies; if the State plan does not propose an alternative energy audit, then Project Retro-Tech applies; if the State plan does not provide for additional services, optional approaches, or alternative delivery mechanisms, then the State cannot adopt such procedures. The State plan is the vehicle through which a weatherization program can be tailored to meet the needs of the low-income clients.

The regulation provides two methods for obtaining waivers to the \$1,000 per unit limit. One, found in Section 440.19(b), provides that the \$1,000 per unit limit may be raised to a level not to exceed \$1,600 per unit where there are

properly documented, severe labor shortages. This is the so-called "labor waiver." The second waiver, found in § 440.18(d)(1), permits waiver of the \$1,000 per unit limit for specific categories of units or materials. This is the so-called "material waiver." These waivers are completely independent of each other, and must be requested as separate actions, although they may be requested in the same document.

The labor waiver has a \$1,600 limit (\$1,000 + 600 = \$1,600). The material waiver is limited to an amount approved by DOE. The material waiver *must* be requested by the Policy Advisory Committee, while the labor waiver may be requested by the grantee.

The Department does not consider that there is a need for extensive justification to establish a lack of availability of JTPA workers in order to obtain a labor waiver. However, grantees are expected to justify the amount requested above \$1,000 per unit by indicating how the amounts necessary for average program support and labor amount are determined. Grantees should address, for example, the size and number of crews to be used, vehicle and equipment acquisitions that must be made, and similar program support and labor expenses. Use of volunteers or their unavailability should also be addressed. Reasonable requests and explanations concerning the labor waiver will be accepted; however, monitoring will take place to determine whether the amounts requested are reasonable. The information supporting a labor waiver should be in the State plan; however, a waiver request may be submitted at any time.

A material waiver request must be justified based on unusual circumstances which require a higher amount to be expended for materials because of such things as an unusual type of material that must be installed or an unusual dwelling construction. For example, homes that require 10 or more storm windows as well as attic and perimeter insulation may be good candidates for the material waiver. Likewise, homes that require furnace modification as well as measures which tighten the building envelope may be good candidates for the material waivers.

The type of material and dwelling unit to be covered by the waiver must be determined and applied for in advance of installation, preferably in the State plan. The material waiver may not be used to cover situations where a subgrantee inadvertently exceeds the material maximum established in the State plan.

Many comments suggested that adding materials to the approved list is a step forward for the program. However, they were concerned that the new materials would shift the program toward mechanical measures, that not enough money would be available to address the new measures, and that overall energy savings could very well decrease if DOE does not provide adequate guidance and control to prevent abuses in this area.

The final selection of materials and their application is a matter of State choice. Such selections must be arrived at and documented using the energy audit procedures selected by the State and approved by DOE. State grantees should provide in their audit procedures methods for examining the relative costs and benefits of installing the different measures such as storm windows, attic insulation, heating and cooling system tune-ups, burner replacement, and other furnace upgrading techniques, and allow only those measures to be installed which are most cost-effective. However, decisions regarding how and when a measure will be used, within the parameters of the audit procedures, must rest with the grantee. It is expected that in making these decisions, grantees will examine the need for "special case" use of materials. For example, movable insulation systems are not expected to replace storm windows as an insulation material, nor is it expected that storm windows and movable insulation systems will be installed on the same window. However, where the audit procedure indicates that storm windows are a high priority item, but they cannot be installed for some reason, such as construction barriers, as in the case of many mobile homes or casement windows, the alternate material should be utilized.

A number of comments suggested that the new measures were useless without an increase in the maximum expenditure level. DOE will not allow a blanket increase in the maximum expenditure level. As explained above, a grantee may request an increase in the \$1,000 per unit limit for a "specific category of units or materials." This allows a grantee to request a reasonable increase in the maximum for a type of home which is likely to need furnace efficiency modifications in addition to weatherization measures which tighten the building envelope. Likewise, this authority may be obtained for very large homes (over 1,600 square feet, for example). The only requirement is that a grantee identify the type of structures to be weatherized and make provisions for

unusual situations when developing the State plan.

A number of comments referred to the heavy paperwork requirements on subgrantees imposed by grantees. DOE would point out that all paperwork requirements should be carefully considered. DOE is attempting to keep its requirements to a minimum and urges grantees to do likewise.

The following discussion describes DOE's proposed change(s) to each section, comments received regarding those proposed changes and DOE's final action.

Section 440.1—Purpose and Scope: DOE proposed to amend this section by referencing the Energy Security Act, Pub. L. 96-294, which was passed after the last major revision of these rules. There were no comments to this proposed change. Therefore, the final rule retains the change as proposed.

Section 440.2—Administration of Grants: DOE proposed to amend this section by deleting references to the circulars published by the Office of Management and Budget and other branches of the Executive Department which are covered by the DOE Financial Assistance Rules, 10 CFR Part 600. There were no comments to this proposed change. Therefore, it has been adopted in the final regulation.

Section 440.3—Definitions: DOE proposed deleting the definition of "CETA" and adding a new definition for "JTPA." Two commenters suggested that this change might have an adverse impact on the program since JTPA labor was not generally available. Since Section 183 of the Job Training Partnership Act (JTPA), Pub. L. 97-300, 96 Stat. 1357 directed that all references to CETA in statutes be deemed to refer to JTPA, DOE has retained the proposed language in the final regulation. As indicated in a previous discussion, DOE does not consider extensive documentation to be necessary to justify a waiver of the maximum amount per home due to a lack of JTPA labor.

DOE proposed adding and defining a new term, "Incidental Repairs" and eliminating the old term "Repair Materials." The addition of this new term, in conjunction with a change to § 440.18(a)(1)(iii), was proposed in order to clarify the types of repairs to which the \$150 limitation in § 440.18 applies. The comments were all in agreement with the proposed change, although one comment suggested that DOE give more examples of what might be considered to be "incidental repairs." DOE believes, however, that the definition includes sufficient examples of permissible repairs and prefers not to be more specific in order to allow the

definition to be sufficiently flexible. However, DOE wishes to make clear that fasteners needed to apply the materials, and ancillary hardware (such as latches and hinges) to install the materials, may be purchased as either weatherization materials, or incidental repair materials, as applicable.

In addition, a number of comments suggested that DOE raise or eliminate the \$150 repair limit. Since the \$150 limit is written into the legislation, DOE has retained it.

Several of the comments received in response to the NOI and the NOPR advocated amending the definition of "Low-Income" to raise the eligibility limits for participation in the program from 125 percent of the poverty level to 150 percent. This change was suggested by the comments in order to make the eligibility level of the program the same as that of the Low-Income Home Energy Assistance Program of the Department of Health and Human Services. However, as indicated in the NOPR, there are still over 13 million dwelling units eligible for weatherization benefits at the current eligibility levels. DOE continues to believe that these units house the neediest families, and that the current eligibility limits should be retained for the present so that the program will weatherize the most needy units.

DOE also proposed to amend the definition of "Weatherization Materials" to incorporate several new materials as eligible weatherization measures. DOE has finalized the materials list as proposed. DOE feels that the additional measures will give the grantee realistic yet broadened options, after completing the energy audit, to select the most energy-efficient and cost-effective measures for installation.

Many comments were received concerning the new measures. All comments were in favor of an expanded list, but some questioning the advisability of some individual measures or proposed additional measures.

Several comments suggested including sun screens and window screens to the measures list. DOE believes that these items should not be a separate item. Window screens may be installed only if they are included as part of the storm window. Two comments suggested that DOE should not include hot water heat pumps because the installation would be too costly, and one comment suggested "integral" over "detached" hot water heat pumps. DOE believes that in certain climatic areas, a "detached", or "retrofit", hot water pump is the most cost-effective measure that can be installed; however, an

"integral" system would be too costly. Several comments suggested that DOE allow replacement of furnaces and boilers, particularly in multi-family homes. However, such replacement is costly, and given the program's per-home expenditure limits, it does not appear to be a viable option.

Other proposed changes to the definitions section received no substantive comments, and have been incorporated into the final rule.

Section 440.10—Allocation of Funds: DOE proposed to amend this section by adding the word "tentatively" to paragraph (b)(2) in order to make it clear that the initial allocation under the formula is tentative, and by making a slight change to paragraph (b)(2)(iv) to clarify a reference within the section. These proposed amendments have been adopted in the final regulation.

Several comments suggested that the allocation formula be changed in a variety of ways: eliminating the use of squaring degree days, giving more priority to cold regions, and giving renters equal weight with owners. DOE continues to believe that the present formula is both fair and equitable within the present legislative goals. Therefore only technical changes were made to this section.

Section 440.11—Native Americans: DOE proposed to amend paragraph (c) of this section in order to clarify its meaning. The time limit within which a State must apply before DOE need make a determination under this section was also proposed to be changed from 90 to 60 days to be consistent with other changes made in the regulation. No comments were received on these proposed changes and § 440.11 has been finalized as proposed.

Section 440.12—State Application: DOE proposed to revise and restructure this section to reduce paperwork requirements and allow a more straightforward approach to preparing the application and the final State plan. Some requirements were proposed for deletion. Others were proposed as part of the State plan rather than part of the application. No significant comments were received on this proposed section. It has been adopted as proposed.

Section 440.13—Local Applications: DOE proposed to amend this section to be consistent with the earlier change of the application period for States from 90 to 60 days. Two favorable comments were received on this proposed change and no unfavorable comments were received. Therefore, DOE has finalized the change as proposed.

Section 440.14—State Plans: DOE proposed to amend § 440.14 by

separating those provisions relating to subgrantees into a new § 440.15 entitled "Subgrantees", and renaming § 440.14 "State Plans." This reorganization eliminated the indefinite heading "Administrative Requirements" and put in its place two headings which give a more precise indication of the subjects discussed in those sections. The proposed amendments also restructured this section to eliminate redundant provisions, transfer some provisions from the application section to this section, and require some information on a State-wide rather than a subgrantee basis. In keeping with this shift in emphasis to grantee responsibility, § 440.14(b)(8)(i) has been changed in the final rule to require information on only the amount tentatively allocated to each subgrantee, instead of requiring a tentative budget for each subgrantee.

Most comments received pertaining to this section were supportive. However, two comments suggested that DOE should place more emphasis on the public role in the formation of the State plan. Other comments suggested that there be a formal procedure which permits the public to appeal aspects of the State plan to DOE. In the final rule, DOE is amending subsection (a) to require that all the elements of the final State plan be in the proposed State plan, which is subject to a public hearing. For the most part, this change only makes specific in the regulations what has generally been the practice. Also, DOE is moving certain requirements for furnishing planning information from the application section to the State plan section, where they would be subject to a public hearing. DOE believes that these changes will ensure the public's role in the State weatherization program. However, DOE is not establishing a formal appeals procedure concerning the State plan because it believes that the expanded public hearing and DOE's review of the State plan and application are sufficient to provide for a State plan which complies with the program.

Section 440.15—Subgrantees: This is a new, separate section composed of paragraphs (c), (d), (e), and (f) of the old § 440.14. This change now groups the provisions dealing with subgrantees into a separate section. The paragraphs are unchanged, except to change references to previous paragraphs which are now renumbered, and to emphasize the grantee's responsibility to ensure certain actions.

Two comments were received. One comment suggested that the public have greater input to the process of selecting subgrantees, and the other comment

suggested that potential subgrantees not be limited to CAA or other public or nonprofit entities.

DOE believes that the language of § 440.15(a)(2) makes clear that public input to the subgrantee selection process is necessary. However, the enabling legislation restricts subgrantee selections to CAA's or other public or nonprofit entities. Therefore, DOE has implemented this change as proposed.

Section 440.16—Minimum Program Requirements: DOE proposed to renumber this section in accordance with changes to previous sections. DOE also proposed to simplify this section by eliminating certain requirements which are already imposed in other sections of the regulation and by transferring paragraphs relating to eligibility requirements for rental dwelling units to § 440.22. DOE proposed to make paragraph (c), which concerns the Policy Advisory Council, into a separate section. Finally, DOE proposed to amend this section by adding a new paragraph (g), requiring a State to publish procedures for ensuring that no dwelling unit may be reported to DOE as completed until the subgrantee or its authorized representative has performed a final inspection on the dwelling unit and certified that the applicable work has been completed in a workmanlike manner and in accordance with the priority determined by the audit procedures required by § 440.21(b).

DOE received no adverse comments on these proposed changes and has implemented these changes as proposed. DOE would like to point out that the inspection requirement is not intended to dictate the particular person to perform the inspection or the hiring of new staff. Those subgrantees which already have a responsible person performing this inspection do not need to change their procedure to comply with this requirement.

One comment suggested that dwellings that meet certain size and energy cost criteria be given the same priority as those containing the elderly and the handicapped. However, the elderly and handicapped are required by the program statute to be given first priority. A State, in its State plan, can provide for priority based on a dwelling unit size and energy cost after the needs of the elderly and handicapped have been met.

Section 440.17—Policy Advisory Council: This is a new section composed of paragraph (c) from the old § 440.15. That paragraph is unchanged, except to substitute "Operations Office Manager" for "Regional Representative."

Section 440.18—Allowable Expenditures: This section is renumbered in accordance with changes to previous sections.

DOE proposed to add a reference to § 440.19(b) to paragraph (a)(1) in order to make clear that there are two exceptions to the \$1,000 limit per dwelling unit. DOE also proposed to add storage of weatherization tools and equipment as an allowable expenditure under paragraph (a)(1)(ii)(C).

Several comments suggested raising the \$1,000 limit per dwelling unit and clarifying the procedures for obtaining a waiver. These issues are discussed earlier in Section II of this preamble.

Comments received were favorable to the proposed revisions. Therefore, DOE has implemented this section as proposed.

Section 440.19—Labor: This section was renumbered because of previous renumbering of other sections. No other changes were made.

Section 440.20—Low-Cost/No-Cost Weatherization Activities: DOE proposed to amend this section to include furnace or cooling unit filters as eligible low-cost/no-cost items. Furnace or cooling unit filters are inexpensive and easily installed. The regulation has been interpreted to allow them as a permissible expense in the past. Including furnace or cooling unit filters now makes this interpretation explicit. This section has been renumbered.

Comments were evenly split for and against low-cost/no-cost activities. Some believed DOE should go further in encouraging low-cost/no-cost activities, especially in multifamily buildings. Others believed that low-cost/no-cost activities could divert needed resources away from their intended purpose. DOE believes the section as proposed presents a balanced approach with sufficient flexibility for those agencies that want to pursue low-cost activities and also adequate safeguards (the limits of ten percent of the grant to the subgrantee and \$50 per dwelling) to prevent abuses in this area. Therefore, the final rule retains the change as proposed.

Several comments expressed support for reweatherizing homes previously completed under the program. DOE amends paragraph (c)(1) to clarify that houses which have previously been weatherized before the maximum expenditure per dwelling unit was increased to \$1,000, can have additional weatherization work done on them under the low-cost/no-cost provisions of § 440.20.

Section 440.21—Standards and Techniques for Weatherization: This

section has been renumbered. DOE proposed to amend paragraph (b) of this section by establishing a new and more flexible approach to audits used in determining the most cost-effective weatherization materials to be applied to a dwelling unit.

Comments favored the flexibility being added to this section. However, two comments pointed out problems in using the RCS audits. These comments suggested that RCS audits not be used because they provide insufficient information to prioritize measures without a trip back to each home by the agency auditor. Another comment suggested the Project Retro-Tech and RCS audits be updated to properly evaluate new measures. Comments also suggested that DOE provide States with guidance concerning developing the alternative procedures.

DOE believes that the flexibility added to the regulation will allow State and local agencies to develop alternative approaches on energy audits best adapted to that State. As a result of this action DOE will not update Project Retro-Tech. In fact, one reason for providing alternative procedures was to allow grantees to address local situations. The new measures are designed to give the grantee additional options to choose the most energy-efficient and cost-effective measures to a dwelling unit in its area.

If the RCS audit in a State does not provide sufficient information to allow prioritizing of measures, it should not be made a part of the audit procedures. For further discussion of energy audits, see earlier in Section II of this preamble.

Section 440.22—Eligible Dwelling Units: This section has been renumbered.

The paragraph concerning the eligibility requirements of persons living in rental dwelling units has been transferred from the old § 440.15 to this section because it pertains to the subject of this section. Some amendments have been made to this section to bring it into conformance with the addition of this paragraph.

The paragraph concerning rental units previously required that 66 percent of the units of a multifamily building be occupied by income-eligible persons or families in order for the entire building to qualify for weatherization assistance. DOE amends this paragraph to reduce the proportion of duplexes (two-unit buildings) and four-unit buildings which have to be occupied by income-eligible persons or families to 50 percent.

Twenty-two comments supported the proposed change of reducing eligibility requirements for duplexes and four-unit buildings. Other comments suggested

that reduced percentages be adopted for buildings with various numbers of units above four or that a lesser amount of work be permitted on buildings with fewer than 66 percent eligible units. DOE believes that adopting the rule as proposed will provide for the most efficient use of program funds to serve the most needy people.

One comment suggested that DOE clarify what can be done to an eligible multifamily building. If a multifamily building is eligible, the measures to be applied to the entire building are those recommended as a result of the energy audit performed on the building. Several comments suggested the use of census tract data to establish whether a multifamily building is eligible. DOE opposes such use, because it is necessary to determine the eligibility of each building. The census tract data is usually not broken down to the level that would enable DOE to determine the income on a building-by-building basis.

Section 440.23—Oversight, Training, and Technical Assistance: This section has been renumbered because of the renumbering of previous sections. The Secretary of Health and Human Services has been substituted for the Director of the Community Services Administration in order to accurately reflect the transfer of authority between those two entities.

DOE proposed to amend this section by allowing training and technical assistance (T&TA) funds to be used for providing information concerning conservation practices to individuals who had received assistance under the program. The eleven comments received were supportive of this change. However, they felt DOE should go further to allow client information to be distributed to all eligible under the program. This proposed change has been adopted in the final rule. This information will provide helpful ways to maximize energy savings before and after the measures are applied to the home.

Section 440.24—Recordkeeping: This section was proposed to be renumbered because of the renumbering of previous sections. A reference to Federal Management Circular 74-7 was changed to refer to the DOE Financial Assistance Rules (10 CFR Part 600), because those rules set DOE policy concerning recordkeeping after taking into consideration the applicable OMB and other Federal documents. These changes have been adopted in the final rule.

Section 440.25—Reports: This section has been renumbered because of the renumbering of previous sections.

Four comments suggested that DOE require the grantee to collect data on energy savings associated with the

measures installed on an eligible dwelling unit. Another comment suggested that DOE develop a uniform method of measuring energy savings for use by grantees and subgrantees and pass on to grantees and subgrantees any information obtained concerning energy savings. While DOE does not discourage the collection of energy savings data, it is reluctant to impose any additional data requirements on grantees and subgrantees. DOE has recently undertaken a national sample of fuel use before and after weatherization as part of a national program evaluation effort. DOE is also considering doing further evaluations of the energy savings produced by the program.

Section 440.30—Administrative Review: This section is amended to allow the Secretary to designate some other entity to perform his functions under paragraph (h) of this section. DOE also amends paragraph (j) to allow the Operations Office Manager greater flexibility in choosing remedies where there has been a failure to comply with the regulations. DOE intends that this appeal procedure, rather than the one specified in 10 CFR Part 600, apply to this grant program.

Appendix A—Standards for Weatherization Materials: Based on criteria set by the National Bureau of Standards (NBS), DOE is extensively amending Appendix A to update the standards for weatherization materials and to include new standards for the additional measures proposed in the NOPR. Additionally, standards that were updated by NBS since the NOPR was published have been included in this final rulemaking. DOE has corrected the standard for thermal insulating materials for building elements to include materials used as a patch to reduce infiltration through the building envelope. This standard is part of the present regulation, but was erroneously omitted from the proposed regulation.

One comment suggested that DOE provide for a more abbreviated method of updating this standards. The program statute provides that the standards must be updated by rule. However, DOE will establish a procedure for an annual review of standards and complete the rulemaking procedure as necessary. Two comments noted that the standards from Federal Standard to American Society for Testing and Materials (ASTM) standards might cause confusion. DOE is making this change because NBS is gradually eliminating the Federal Standards and adopting the ASTM standards for Federal specifications. One comment noted that American Refrigeration Institute (ARI)

on longer has a program for certifying heat pump hot water heaters. NBS has indicated that ARI still has a published standard for these devices, but otherwise is inactive in this area.

Response to Additional Comments: DOE received comments in response to the NOPR which it was not able to incorporate in this final rulemaking, including: (1) Combining DOE and HHS weatherization funds into a single program. These funds are separate and distinct by statute and cannot be changed by regulation. However, DOE and HHS continue to discuss means of achieving better coordination between the two programs. (2) Allowing work crews compensation for using their own vehicles on the job. This expenditure is allowed under the present regulation. However, individual State policy may not permit this activity. (3) Use of certain solar devices as acceptable weatherization measures. DOE has not evaluated those solar devices sufficiently at this time to be able to add them as approved measures.

III. Environmental, Regulatory Impact, Small Entity Impact, Paperwork Reduction Act, and Coordinating Agency Reviews

A. Environmental Review

Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321 *et seq.*), DOE published a Notice of Availability of an Environmental Assessment (EA) (DOE/EA-0085) of the Grants Program for Weatherization Assistance for Low-Income Persons in the Federal Register on April 10, 1979 (44 FR 21323). At the same time, DOE published notice of its determination, based on the EA, that the proposed action would not constitute a major Federal action significantly affecting the quality of the human environment, and that therefore, no Environmental Impact Statement (EIS) was required.

DOE has reviewed the environmental impacts of the program amendment issued today. It is DOE's judgment that the program amendment will result in no environmental impacts not previously analyzed in the EA on the program. Accordingly, DOE has determined that the environmental impacts of the program as modified by today's amendment have been adequately analyzed in the April 1979 EA, and that these impacts are not significant. Hence, no additional EA or EIS is required.

B. Review Under Executive Order 12291

Today's issuance was reviewed under Executive Order 12291 (46 FR 13193),

February 27, 1981. DOE has concluded that the rule is not a "major rule" under the Executive Order, because it will not result in: (1) An annual effect on the economy of \$100 million or more; (2) A major increase in costs or prices for consumers, individual industries, State, Federal, or local government agencies, or geographic regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Pursuant to Section 3(c)(3) of Executive Order 12291, this rule was submitted to the Director of OMB for a ten-day review. The Director has concluded his review under that Executive Order.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 (5 U.S.C. 601 *et seq.*), requires, in part, that an agency prepare a final regulatory flexibility analysis for any final rule, unless it determines that the rule will not have a "significant economic impact on a substantial number of small entities." In the event that such an analysis is not required for a particular rule, the agency must publish a certification and an explanation of that determination in the Federal Register. The changes proposed in this action primarily add flexibility to the existing program. The only additional regulatory requirements placed on small entities are placed only on those nonprofit organizations which are subgrantees. Thus, these changes have only a minimal effect on only a few small entities. Accordingly, pursuant to Section 605(b) of the Regulatory Flexibility Act, DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

Recently, the information collection requirements contained in §§ 440.12, 440.13, 440.14, 440.16, and 440.24 of this rule were approved by the Office of Management and Budget (OMB) under Control Number 1904-0047. The information collection requirements contained in § 440.25 have been approved by OMB under Control Number 1901-0127.

E. Catalogue of Federal Domestic Assistance

The Catalogue of Federal Domestic Assistance number for the Weatherization Assistance Program is 81.042.

F. Consultation

In developing these final regulations, DOE has consulted with the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, and the Secretary of Agriculture, pursuant to Section 413(b) of the Act.

List of Subject in 10 CFR Part 440

Administrative practice and procedures, Aged, Energy conservation, Grant Programs—Energy, Grant Programs—Housing and Community Development, Handicapped, Housing standards, Indians, Reporting and recordkeeping requirements.

In consideration of the foregoing, DOE hereby amends Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., January 17, 1984.

Pat Collins,

Acting Assistant Secretary, Conservation and Renewable Energy.

Part 440 is revised to read as set forth below:

PART 440—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

- Sec.
- 440.1 Purpose and scope.
- 440.2 Administration of grants.
- 440.3 Definitions.
- 440.10 Allocation of funds.
- 440.11 Native Americans.
- 440.12 State application.
- 440.13 Local application.
- 440.14 State plan.
- 440.15 Subgrantees.
- 440.16 Minimum program requirements.
- 440.17 Policy Advisory Council.
- 440.18 Allowable expenditures.
- 440.19 Labor.
- 440.20 Low-cost/no-cost weatherization activities.
- 440.21 Standards and techniques for weatherization.
- 440.22 Eligible dwelling units.
- 440.23 Oversight, training, and technical assistance.
- 440.24 Recordkeeping.
- 440.25 Reports.
- 440.30 Administrative review.

Appendix A—Standards for Weatherization Materials

Authority: Title IV, Energy Conservation and Production Act, as amended, Pub. L. 94-385, 90 Stat. 1150 (42 U.S.C. 6851 *et seq.*; Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*).

§440.1 Purpose and scope.

This part contains the regulation adopted by the Department of Energy to carry out a program of weatherization assistance for low-income persons

established by Part A of the Energy Conservation in Existing Buildings Act of 1976, 42 U.S.C. 6861 *et seq.*, enacted as Title IV of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1150 *et seq.*, and amended by Title II, Part 2 of the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3206 *et seq.*, and by the Energy Security Act, Pub. L. 96-294, 94 Stat. 611 *et seq.*

§ 440.2 Administration of grants.

Grant awards under this part shall comply with applicable law including, without limitation, the requirements of:

(a) Executive Order 12372 entitled "Intergovernmental Review of Federal Programs", 48 FR 3130, and the DOE Regulation implementing this Executive Order entitled "Intergovernmental Review of Department of Energy Programs and Activities" (10 CFR Part 1005);

(b) Office of Management and Budget Circular A-97, entitled "Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government under Title III of the Intergovernmental Coordination Act of 1968;"

(c) Unless in conflict with provisions of this part, the DOE Financial Assistance Rule (10 CFR Part 600); and

(d) Such other procedures applicable to this part as DOE may from time to time prescribe for the administration of financial assistance.

§ 440.3 Definitions.

As used in this part:

"Act" means the Energy Conservation in Existing Buildings Act of 1976, as amended, 42 U.S.C. 6861 *et seq.*

"CAA" means a Community Action Agency.

"Community Action Agency" means a private corporation or public agency established pursuant to the Economic Opportunity Act of 1964, Pub. L. 88-452, which is authorized to administer funds received from Federal, State, local, or private funding entities to assess, design, operate, finance, and oversee antipoverty programs.

"Cooling Degree Days" means a population-weighted annual average of the climatological cooling degree days for each weather station within a State, as determined by DOE.

"DOE" means the Department of Energy.

"Dwelling Unit" means a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters.

"Elderly Person" means a person who is 60 years of age or older.

"Family Unit" means all persons living together in a dwelling unit.

"Governor" means the chief executive officer of a State, including the Mayor of the District of Columbia.

"Grantee" means the State or other entity named in the Notification of Grant Award as the recipient.

"Handicapped Person" means any individual (1) who is a handicapped individual as defined in Section 7(6) of the Rehabilitation Act of 1973, (2) who is under a disability as defined in Section 1614(a)(3)(A) or 223(d)(1) of the Social Security Act or in Section 102(7) of the Developmental Disabilities Services and Facilities Construction Act, or (3) who is receiving benefits under Chapter 11 or 15 of Title 38, U.S.C.

"Heating Degree Days" means a population-weighted seasonal average of the climatological heating degree days for each weather station within a State, as determined by DOE.

"Incidental Repairs" means those repairs necessary for the effective performance or preservation of weatherization materials. Such repairs include, but are not limited to, framing or repairing windows and doors which could not otherwise be caulked or weather-stripped and providing protective materials, such as paint, used to seal materials installed under this program.

"Indian Tribe" means any tribe, band, nation, or other organized group or community of Native Americans, including any Alaskan native village, or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, Pub. L. 92-203, 85 Stat. 688, which (1) is recognized as eligible for the special programs and services provided by the United States to Native Americans because of their status as Native Americans, or (2) is located on, or in proximity to, a Federal or State reservation or rancheria.

"JTPA" means the Job Training Partnership Act, 29 U.S.C. 1501 *et seq.*

"Local Applicant" means a CAA or other public or non profit entity unit of general purpose local government.

"Low Income" means that income in relation to family size which:

(1) Is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, except that the Secretary may establish a higher level if the Secretary, after consulting with the Secretary of Agriculture and the Secretary of Health and Human Services, determines that such a higher level is necessary to carry

out the purposes of this part and is consistent with the eligibility criteria established for the weatherization program under Section 222(a)(12) of the Economic Opportunity Act of 1964 or

(2) Is the basis on which cash assistance payments have been paid during the preceding twelve-month period under Titles IV and XVI of the Social Security Act or applicable State or local law.

"Native American" means a person who is a member of an Indian tribe.

"Number of Low-Income, Owner-Occupied Dwelling Units in the State" means the number of such dwelling units in a State, as determined by DOE.

"Number of Low-Income, Renter-Occupied Dwelling Units in the State" means the number of such dwelling units in a State, as determined by DOE.

"Operations Office Manager" means the manager of a DOE Operations Office or his or her designee.

"Percentage of Total Residential Energy Used for Space Cooling" means the national percentage of total energy used for space cooling, as determined by DOE.

"Percentage of Total Residential Energy Used for Space Heating" means the national percentage of total energy used for space heating, as determined by DOE.

"Rental Dwelling Unit" means a dwelling unit occupied by a person who pays rent for the use of the dwelling unit.

"Secretary" means the Secretary of the Department of Energy.

"Separate Living Quarters" means living quarters in which the occupants do not live and eat with any other persons in the structure and which have either (1) direct access from the outside of the building or through a common hall or (2) complete kitchen facilities for the exclusive use of the occupants. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

"Single-Family Dwelling Unit" means a structure containing no more than one dwelling unit.

"Skirting" means material used to border the bottom of a dwelling unit to prevent infiltration.

"State" means each of the States and the District of Columbia.

"Subgrantee" means an entity managing a weatherization project which receives a grant of funds awarded under this part from a grantee.

"Tribal Organization" means the recognized governing body of any Indian tribe or any legally established

organization of Native Americans which is controlled, sanctioned, or chartered by such governing body.

"Unit of General Purpose Local Government" means any city, county, town, parish, village, or other general purpose political subdivision of a State.

"Vestibule" means an enclosure built around a primary entry to a dwelling unit.

"Weatherization Materials" mean:

- (1) Caulking and weatherstripping of doors and windows;
- (2) Furnace efficiency modifications limited to:
 - (i) Replacement burners designed to substantially increase the energy efficiency of the heating system;
 - (ii) Devices for modifying flue openings which will increase the energy efficiency of the heating system; and
 - (iii) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights;
- (3) Clock thermostats;
- (4) Ceiling, attic, wall, floor, and duct insulation;
- (5) Water heater insulation;
- (6) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective window and door materials; and
- (7) The following insulating or energy conserving devices or technologies:
 - (i) Skirting;
 - (ii) Items to improve attic ventilation;
 - (iii) Vapor barriers;
 - (iv) Materials used as a patch to reduce infiltration through the building envelope;
 - (v) Water flow controllers;
 - (vi) Movable insulation systems for windows;
 - (vii) Materials to construct vestibules;
 - (viii) Pipe and boiler insulation;
 - (ix) Heat exchangers;
 - (x) Thermostat control systems;
 - (xi) Replacement windows and doors;
 - (xii) Materials used for water heater modifications which will result in improved energy efficiency;
 - (xiii) Hot water heat pumps;
 - (xiv) Waste heat recovery devices;
 - (xv) Materials used for heating and cooling system tuneups, repairs, and modifications which will result in improved energy efficiency; and
 - (xvi) Materials used for boiler tuneups, repairs, and modifications which will result in improved energy efficiency.

"Weatherization Project" means a project conducted in a single geographical area which undertakes to weatherize dwelling units that are energy inefficient.

§ 440.10 Allocation of funds.

(a) DOE shall allocate financial assistance for each State from sums

appropriated for any fiscal year, only upon annual application.

(b) DOE shall determine the tentative allocation for each State from available funds as follows:

(1) The first \$5,100,000 appropriated shall be divided equally among the States; an additional \$100,000 shall be allocated to Alaska.

(2) The percentage of the remaining available funds tentatively allocated to each State shall be determined by the following formula:

(i) The square of the number of heating degree days in a State multiplied by the percentage of total residential energy used for space heating;

(ii) Plus the square of the number of cooling degree days in the State multiplied by the percentage of total residential energy used for space cooling;

(iii) Multiplied by the sum of the number of low-income, owner-occupied dwelling units in the State and one-half of the number of low-income, renter-occupied dwelling units in the State;

(iv) Divided by the sum of the result produced for all States by the computation outlined in paragraphs (b)(2) (i), (ii) and (iii) of this section; and

(v) Multiplied by 100.

(c) DOE may reduce the tentative allocation for a State by the amount DOE determines cannot be reasonably expended by a grantee to weatherize dwelling units during the budget period for which financial assistance is to be awarded. In reaching this determination, DOE will consider the amount of unexpended financial assistance currently available to a grantee under this part and the number of dwelling units which remain to be weatherized with the unexpended financial assistance.

(d) DOE may increase the tentative allocation of a State by the amount DOE determines the grantee can expend to weatherize additional dwelling units during the budget period for which financial assistance is to be awarded.

(e) The Operations Office Manager shall notify each State of the tentative allocation for which that State is eligible to apply.

§ 440.11 Native Americans.

(a) Notwithstanding any other provision of this part, the Operations Office Manager may determine, after taking into account the amount of funds made available to a State to carry out the purposes of this part, that:

(1) The low-income members of an Indian tribe are not receiving benefits under this part equivalent to the assistance provided to other low-income persons in the State under this part and

(2) The low-income members of such tribe would be better served by means of a grant made directly to provide such assistance.

(b) In any State for which the Operations Office Manager shall have made the determination referred to in paragraph (a) of this section, the Operations Office Manager shall reserve from the sums that would otherwise be allocated to the State under this part not less than 100 percent, or more than 150 percent, of an amount which bears the same ratio to the State's allocation for the fiscal year involved as the population of all low-income Native Americans for whom a determination under paragraph (a) of this section has been made bears to the population of all low-income persons in the State.

(c) The Operations Office Manager shall make the determination prescribed in paragraph (a) of this section in the event a State:

(1) Does not apply within the sixty-day time period prescribed in § 440.12(a);

(2) Recommends that direct grants be made for low-income members of an Indian tribe as provided in § 440.12(b)(5);

(3) Files an application which DOE determines, in accordance with the procedures in § 440.30, not to make adequate provision for the low-income members of an Indian tribe residing in the State; or

(4) Has received grant funds and DOE determines, in accordance with the procedures in § 440.30, that the State has failed to implement the procedures required by § 440.16(6).

(d) Any sums reserved by the Operations Office Manager pursuant to paragraph (b) of this section shall be granted to the tribal organization serving the individuals for whom the determination has been made, or where there is no tribal organization, to such other entity as the Operations Office Manager determines is able to provide adequate weatherization assistance pursuant to this part. Where the Operations Office Manager intends to make a grant to an organization to perform services benefiting more than one Indian tribe, the approval of each Indian tribe shall be a prerequisite for the issuance of a notice of grant award.

(e) Within 30 days after the Operations Office Manager has reserved funds pursuant to paragraph (b) of this section, the Operations Office Manager shall give written notice to the tribal organization or other qualified entity of the amount of funds reserved and its eligibility to apply therefor.

(f) Such tribal organization or other qualified entity shall thereafter be

treated as a unit of general purpose local government eligible to apply for funds hereunder, pursuant to the provisions of § 440.13.

§ 440.12 State application.

(a) To be eligible for financial assistance under this part, a State shall submit an application to DOE in conformity with the requirements of this part not later than 60 days after the date of notice to apply is received from the Operations Office Manager. The Operations Office Manager shall review each timely State application and, if the submission otherwise complies with the applicable provisions of this part, approve a budget and issue a notice of financial assistance award.

(b) Each application shall include:

(1) The name and address of the State agency or office responsible for administering the program;

(2) A copy of the final State plan prepared after notice and a public hearing in accordance with § 440.14(a), except that an application by a local applicant need not include a copy of the final State plan;

(3) The budget for total funds applied for under the Act, which shall include a justification and explanation of any amounts requested for expenditure pursuant to § 440.18(b) for State administration;

(4) The total number of dwelling units proposed to be weatherized with grant funds during the budget period for which assistance is to be awarded, (i) with financial assistance previously obligated under this part, and (ii) with the tentative allocation to the State;

(5) A recommendation that a tribal organization be treated as a local applicant eligible to submit an application pursuant to § 440.13(b), if such a recommendation is to be made;

(6) A monitoring plan which shall indicate the method used by the State to insure the quality of work and adequate financial management control at the subgrantee level;

(7) A training and technical assistance plan which shall indicate how funds for training and technical assistance will be used; and

(8) Any further information which the Secretary finds necessary to determine whether an application meets the requirements of this part.

(Approved by the Office of Management and Budget under Control Number 1904-0047)

§ 440.13 Local applications.

(a) The Operations Office Manager shall give written notice to all local applicants throughout a State of their eligibility to apply for financial assistance under this part in the event:

(1) A State, within which a local applicant is situated, fails to submit an application within 60 days after notice in accordance with § 440.12(a) or

(2) The Operations Office Manager finally disapproves the application of a State pursuant to § 440.30 of this part.

(b) To be eligible for financial assistance, a local applicant shall submit an application pursuant to § 440.12(b) to the Operations Office Manager within 30 days after receiving the notice referred to in paragraph (a) of this section.

(c) In the event one or more local applicants submit applications, the Operations Office Manager shall combine the hearing on the proposed plan pursuant to § 440.14(a) with a hearing on the intention to deny the timely application of one or more local applicants, as provided in § 440.30, to the maximum extent practicable. Based upon the final plan developed by the Operations Office Manager, the hearing, and information submitted by a local applicant and other interested persons, the Operations Office Manager shall determine whether or not to award a grant to a local applicant, and the amount thereof. The Operations Office Manager may provide financial assistance to a local applicant to carry out one or more weatherization projects.

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§ 440.14 State plans

(a) Before submitting an application, a State shall give not less than 10 days notice of hearing, reasonably calculated to inform prospective subgrantees, and shall conduct one or more public hearing for the purpose of receiving comments on a proposed State plan. The proposed State plan shall identify and describe proposed weatherization projects, including a statement of proposed subgrantees and the amount each will receive; shall address the other items contained in paragraph (b) of this section; and shall be made available throughout the State prior to the hearing. The notice for the hearing shall specify that copies of the plan are available and how they may be obtained. A transcript of the hearings shall be prepared and written submission of views and data shall be accepted for the record.

(b) Subsequent to the hearing, the State shall prepare a final State plan which shall identify and describe:

(1) The production schedule for the State which shall indicate projected expenditures and the number of dwelling units which are expected to be weatherized each month during the program year;

(2) An estimate of the number of dwelling units expected to be weatherized during the program year by category to include:

- (i) Single family and multi family residences;
- (ii) Elderly persons residences;
- (iii) Handicapped persons residences;
- (iv) Renters residences; and
- (v) If Native Americans do not receive direct grants under § 440.11, Native American residences.

(3) The climatic conditions within the State;

(4) The type of weatherization work to be done;

(5) An estimate of the amount of energy to be conserved;

(6) An estimate of the number of eligible dwelling units in which the elderly reside;

(7) An estimate of the number of eligible dwelling units in which the handicapped reside;

(8) Each area to be served by a weatherization project within the State, and shall include for each area:

- (i) The tentative allocation;
- (ii) The number of dwelling units expected to be weatherized during the program year;
- (iii) The estimated number of rental dwelling units to be weatherized; and
- (iv) Sources of labor.

(9) The manner in which the State plan is to be implemented, and shall include:

- (i) An analysis of the existence and effectiveness of any weatherization project being carried out by a subgrantee;
- (ii) An explanation of the method used to select each area to be served by a weatherization project;
- (iii) The extent to which priority will be given to the weatherization of single-family or other high energy consuming dwelling units;
- (iv) The amount of non-Federal resources to be applied to the program;
- (v) The amount of Federal resources, other than DOE weatherization grant funds, to be applied to the program;
- (vi) The amount of weatherization grant funds tentatively allocated to the State under this part;
- (vii) The expected average cost per dwelling to be weatherized, taking into account the total number of dwellings to be weatherized and the total amount of funds, Federal and non-Federal, expected to be applied to the program;
- (viii) The maximum amount to be applied to any dwelling unit from DOE funds;
- (ix) The amount to be spent per dwelling unit for program support and

labor in accordance with § 440.18(a)(1)(ii); and

(x) Procedures for determining the most cost-effective measures in a dwelling unit or a statement that Project Retro-Tech will be used.

(Approved by the Office of Management and Budget under Control Number 1904-0047)

§ 440.15 Subgrantees.

(a) The grantee shall ensure that:

(1) Each subgrantee is a CAA or other public or nonprofit entity;

(2) Each subgrantee is selected on the basis of public comment received during a public hearing conducted pursuant to § 440.14(a) and other appropriate findings regarding:

(i) The subgrantee's experience and performance in weatherization or housing renovation activities;

(ii) The subgrantee's experience in assisting low-income persons in the area to be served; and

(iii) The subgrantee's capacity to undertake a timely and effective weatherization program.

(3) In selecting a subgrantee, preference is given to any CAA or other public or nonprofit entity which has, or is currently administering, an effective program under this part or under Title II of the Economic Opportunity Act of 1964, with program effectiveness evaluated by consideration of factors including, but not necessarily limited to, the following:

(i) The extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion;

(ii) The quality of work performed by the subgrantee;

(iii) The number, qualifications, and experience of the staff members of the subgrantee; and

(iv) The ability of the subgrantee to secure volunteers, training participants, and public service employment workers pursuant to JTPA.

(b) The grantee shall ensure that the funds received under this part will be allocated to the entities selected in accordance with paragraph (a) of this section, such that funds will be allocated to areas on the basis of the relative need for a weatherization project by low-income persons.

(c) If DOE finds that a subgrantee selected to undertake weatherization activities under this part has failed to comply substantially with the provisions of the Act or this part and should be replaced, such finding shall be treated as a finding under § 440.30(d) for purposes of § 440.30.

(d) Any new or additional subgrantee shall be selected at a hearing in accordance with § 440.14(a) and upon

the basis of the criteria in paragraph (a) of this section.

§ 440.16 Minimum program requirements.

Prior to the expenditure of any grant funds each grantee shall develop, publish, and implement procedures to ensure that:

(a) No dwelling unit may be weatherized without documentation that the dwelling unit is an eligible dwelling unit as provided in § 440.22;

(b) Priority is given to identifying and providing weatherization assistance to elderly and handicapped low-income persons, and such priority as the applicant determines is appropriate is given to single-family or other high-energy-consuming dwelling units;

(c) Financial assistance provided under this part will be used to supplement, and not supplant, State or local funds, and, to the maximum extent practicable as determined by DOE, to increase the amounts of these funds that would be made available in the absence of Federal funds provided under this part;

(d) To the maximum extent practicable, the grantee will secure the services of volunteers, training participants and public service employment workers, pursuant to JTPA, to work under the supervision of qualified supervisors and foremen;

(e) To the maximum extent practicable, the use of weatherization assistance shall be coordinated with other Federal, State, local, or privately funded programs in order to improve energy efficiency and to conserve energy;

(f) The low-income members of an Indian tribe shall receive benefits equivalent to the assistance provided to other low-income persons within a State unless the grantee has made the recommendation provided in § 440.12(b)(5); and

(g) No dwelling unit may be reported to DOE as completed until the subgrantee, or its authorized representative, has performed a final inspection and certified that applicable work has been completed in a workmanlike manner and in accordance with the priority determined by the audit procedures required by § 440.21(b). (Approved by the Office of Management and Budget under Control Number 1904-0047).

§ 440.17 Policy Advisory Council.

(a) Prior to the expenditure of any grant funds, a State policy advisory council shall be established by a State or by the Operations Office Manager if a State does not participate in the program which:

(1) Has special qualifications and sensitivity with respect to solving the problems of low-income persons, including the weatherization and energy conservation problems of these persons;

(2) Is broadly representative of organizations and agencies, including consumer groups that represent low-income persons, particularly elderly and handicapped low-income persons and low-income Native Americans, in the State or geographical area in question; and

(3) Has responsibility for advising the appropriate official or agency administering the allocation of financial assistance in the State or area with respect to the development and implementation of a weatherization assistance program.

§ 440.18 Allowable expenditures.

(a) To the maximum extent practicable, the grant funds provided under this part shall be used for the purchase of weatherization materials and related matter described in paragraph (a)(1) of this section. Allowable expenditures under this part include only:

(1) A maximum of \$1,000 for any dwelling unit, except as provided in paragraph (d) of this section and § 440.19(b), for:

(i) The cost of purchase and delivery of weatherization materials;

(ii) The amount per dwelling unit, determined by a grantee and approved by the Operations Office Manager for the cost of program support and labor consisting of:

(A) Transportation of weatherization materials, tools, equipment, and work crews to a storage site and to the site of weatherization work;

(B) Maintenance, operation, and insurance of vehicles used to transport weatherization materials;

(C) Maintenance of tools and equipment;

(D) Purchase or annual lease of tools, equipment, and vehicles, except that any purchase of vehicles shall be referred to DOE for prior approval in every instance;

(E) Employment of on-site supervisory personnel;

(F) Labor costs, in accordance with § 440.19; and

(G) Storage of weatherization materials, tools and equipment.

(iii) The cost, not to exceed \$150 per dwelling unit, of incidental repairs.

(2) The cost of liability insurance for weatherization projects for personal injury and for property damage;

(3) Allowable administration expenses under paragraph (b) of this section; and

(4) The cost of carrying out low-cost/no-cost weatherization activities in accordance with § 440.20.

(b) Not more than 10 percent of any grant made to a State may be used by the grantee and subgrantees for administrative purposes in carrying out duties under this part, except that not more than 5 percent may be used by the State for such purposes.

(c) No grant funds awarded under this part shall be used for any of the following purposes:

(1) To install or otherwise provide weatherization materials for a dwelling unit weatherized previously with grant funds under paragraph (a)(1) of this section, except as provided under § 440.20, unless such dwelling unit has been damaged by fire, flood, or act of God and repair of the damage to weatherization materials is not paid for by insurance or

(2) To weatherize a dwelling unit which is designated for acquisition or clearance by a Federal, State, or local program within twelve months from the date weatherization of the dwelling unit would be scheduled to be completed.

(d) The limitation of \$1,000 described in paragraph (a) of this section:

(1) Shall not apply if the State policy advisory council requests a greater amount be provided for specific categories of units or materials in the State and the Operations Office Manager approves the request and

(2) Shall be deemed to have been requested and approved under section 415(c)(2) of the Act, unless the State policy advisory council notifies the Operations Office Manager to the contrary in writing within 30 days of submission of the annual State application.

§ 440.19 Labor.

(a) Payments for labor costs under § 440.18(a)(1)(ii)(F) shall consist of:

(1) Payments permitted by the Department of Labor to supplement wages paid to training participants and public service employment workers pursuant to JTPA and

(2) Payments to employ labor (particularly persons eligible for training under JTPA) or to engage a contractor (particularly a nonprofit organization or a business owned by disadvantaged individuals which performs weatherization services), to install weatherization materials provided a grantee has determined an adequate number of volunteers, training participants, and public service employment workers, assisted pursuant

to JTPA, are not available to weatherize dwelling units for a subgrantee under the supervision of qualified supervisors.

(b) The Operations Office Manager may increase the limitation of \$1,000 per dwelling unit described in § 440.18(a) to not more than \$1,600 per dwelling unit to cover costs referred to in paragraph (a) of this section in an area where the Operations Office Manager, based upon satisfactory documentation, determines that there are an insufficient number of volunteers, training participants, and public service employment workers, assisted pursuant to JTPA, available to weatherize dwelling units for a subgrantee under the supervision of qualified supervisors.

§ 440.20 Low-cost/no-cost weatherization activities.

(a) An eligible dwelling unit may be weatherized without regard to the limitations contained in § 440.18(c)(1) or § 440.21(b) from funds designated by the grantee for carrying out low-cost/no-cost weatherization activities provided:

(1) Inexpensive weatherization materials are used, such as water flow controllers, furnace or cooling filters, or items which are primarily directed toward reducing infiltration, including weatherstripping, caulking, glass patching, and insulation for plugging and

(2) No labor paid with funds provided under this part is used to install weatherization materials referred to in paragraph (a)(1) of this section.

(b) A maximum of 10 percent of the amount allocated to a subgrantee, not to exceed \$50 in materials costs per dwelling unit, may be expended to carry out low-cost/no-cost weatherization activities, unless the Operations Office Manager approves a higher expenditure per dwelling unit.

§ 440.21 Standards and techniques for weatherization.

(a) Only weatherization materials which meet or exceed standards prescribed in Appendix A to this part shall be purchased with funds provided under this part.

(b) The most cost-effective weatherization materials for each dwelling unit shall be determined by audit procedures using the following formula:

(1) The cost of fuel saved per year by installing a weatherization material in a dwelling unit;

(2) Multiplied by the appropriate lifetime of the weatherization material; and

(3) Divided by the cost of the weatherization material and the cost of the installation of the weatherization material.

(c) The computation of the cost of fuel saved per year must take into account the number of heating or cooling degree days in the area for which the computation is being made and must otherwise use reasonable methods and assumptions.

(d) The figures used for the lifetime of the materials and for the costs of materials and cost of the installation of the materials must be generally accepted in the relevant trade.

(e) The weatherization materials which shall be installed first are those:

(1) Which are determined using the formula in paragraph (b) of this section to be the most cost-effective and

(2) Whose costs are within the allowable cost limits prescribed in § 440.18 or approved by the Operations Office Manager under § 440.18(d)(1) or 440.19(b).

(f) The audit procedures used in Project Retro-Tech to determine the most cost-effective weatherization materials comply with this section. The grantee or subgrantee may use other audit procedures to determine the most cost-effective weatherization materials, provided that these procedures comply with this section and are approved by the Operations Office Manager prior to their use. A grantee or subgrantee may use results obtained from audits conducted under the Residential Conservation Service Program as part of the audit procedures which have been approved by the Operations Office Manager.

§ 440.22 Eligible Dwelling Units

(a) A dwelling unit shall be eligible for weatherization assistance under this part if it is occupied by a family unit:

(1) Whose income is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget; or

(2) Which contains a member who has received cash assistance payments under Title IV or XVI of the Social Security Act or applicable State or local law during the twelve-month period preceding the determination of eligibility for weatherization assistance.

(b) A subgrantee may weatherize a building containing rental dwelling units using financial assistance for dwelling units eligible for weatherization assistance under paragraph (a) of this section, where:

(1) The subgrantee has obtained the written permission of the owner or his agent;

(2) Not less than 66 percent (50 percent for duplexes and four-unit

buildings) of the dwelling units in the building:

(i) Are eligible dwelling units, or
(ii) Will become eligible dwelling units within 180 days under a Federal, State or local government program for rehabilitating the building or making similar improvements to the building; and

(3) The grantee has established procedures approved by the Operations Office Manager to insure that:

(i) Rents shall not be raised because of the increased value of dwelling units due solely to weatherization assistance provided under this part and

(ii) No undue or excessive enhancement shall occur to the value of the dwelling units.

§ 440.23 Oversight, training, and technical assistance.

(a) The Secretary and the appropriate Operations Office Manager, in coordination with the Secretary of Health and Human Services, shall monitor and evaluate the operation of projects carried out by CAA's receiving financial assistance under this part through on-site inspections, or through other means, in order to ensure the effective provision of weatherization assistance for the dwelling units of low-income persons.

(b) DOE shall also carry out periodic evaluations of a program and weatherization projects that are not carried out by a CAA and that are receiving financial assistance under this part.

(c) The Secretary and the appropriate Operations Office Manager, the Comptroller General of the United States, and for a weatherization project carried out by a CAA, the Secretary of Health and Human Services or any of their duly authorized representatives, shall have access to any books, documents, papers, information, and records of any weatherization project receiving financial assistance under the Act for the purpose of audit and examination.

(d) Each grantee shall ensure that audits by or on behalf of subgrantees are conducted with reasonable frequency, on a continuing basis, or at scheduled intervals, usually annually, but not less frequently than every two years, in accordance with OMB Circular A-102, Attachment P, and OMB Circular 110, Attachment F, as applicable.

(e) The Secretary may reserve from the funds appropriated for any fiscal year an amount not to exceed 10 percent to provide, directly or indirectly, training and technical assistance to any grantee or subgrantee. Such training and technical assistance may include

providing information concerning conservation practices to occupants of eligible dwelling units.

§ 440.24 Recordkeeping.

Each grantee or subgrantee receiving Federal financial assistance under this part shall keep such records as DOE shall require, including records which fully disclose the amount and disposition by each grantee and subgrantee of the funds received, the total cost of a weatherization project or the total expenditure to implement the State plan for which assistance was given or used, the source and amount of funds for such project or program not supplied by DOE, and such other records as DOE deems necessary for an effective audit and performance evaluation. Such recordkeeping shall be in accordance with the DOE Financial Assistance Rule, 10 CFR Part 600 and any further requirements of this regulation.

(Approved by the Office of Management and Budget under Control Number 1904-0047)

§ 440.25 Reports.

DOE may require any recipient of financial assistance under this part to provide, in such form as may be prescribed, such reports or answers in writing to specific questions, surveys, or questionnaires as DOE determines to be necessary to carry out its responsibilities or the responsibilities of the Secretary of Health and Human Services under this part.

(Approved by the Office of Management and Budget under Control Number 1901-0127)

§ 440.30 Administrative review.

(a) If a timely application submitted by a State fails to meet the requirements of this part and the Operations Office Manager intends to deny the application, the Operations Office Manager shall return the application to the State together with a written statement of reasons for the denial.

(b) The State will have a reasonable period, as determined by the Operations Office Manager, to amend its application and to resubmit it by a specified date for reconsideration.

(c) The Operations Office Manager shall give notice to the applicant in the event that the Operations Office Manager determines that:

(1) Any application resubmitted by a State in accordance with paragraph (b) of this section fails to comply with this regulation;

(2) Any application returned to a State pursuant to paragraph (a) of this section is not resubmitted in a timely manner as provided in paragraph (b) of this section; or

(3) The Operations Office Manager intends to deny the application of a local applicant.

(d) The Operations Office Manager shall give notice to a grantee in the event that the Operations Office Manager finds there is a failure by the grantee to comply substantially with the provisions of the Act or this part.

(e) The Operations Office Manager shall issue such notice in the form of written notice mailed by registered mail, return receipt requested, to the State, local applicant grantee, and other interested parties, including:

(1) A statement of reasons for a determination referred to in paragraph (c) or (d) of this section which the Operations Office Manager intends to make, including an explanation whether any amendments or other actions would result in compliance with the regulation;

(2) The date, place, and time of the public hearing to be held by the Operations Office Manager, one subject of which shall be the proposed determination, which hearing shall in no event be later than 15 working days after the receipt of such notice; and

(3) The manner in which views may be presented.

(f) A party which has received notice under paragraph (e) of this section:

(1) May make a written submission of its views with supporting data and arguments to the Operations Office Manager on or prior to the date of the public hearing; and

(2) Shall be afforded an opportunity to make an oral presentation at the public hearing.

(g) The Operations Office Manager shall consider all relevant views and data, including arguments and other submissions made at the public hearing. The Operations Office Manager shall make a final determination in writing, stating the reasons for the determination no later than five working days after the public hearing.

(h) A State or local applicant or grantee may appeal in writing from an adverse final determination made by the Operations Office Manager under paragraph (g) of this section to the Secretary not later than 10 working days after receipt of the Operations Office Manager determination. The Secretary shall have 21 working days to consider the appeal and take any action with respect thereto which he deems appropriate. Any action taken by the Secretary shall be the final determination of DOE. If no action has been taken by the Secretary after the expiration of the 21 working day period, the Secretary shall be deemed to have approved the determination of the

Operations Office Manager. The Secretary may delegate his authority under this section.

(i) Notwithstanding anything herein, the public hearing referred to in paragraph (e)(2) of this section may be combined, with any other public hearing in the State conducted pursuant to this part at the discretion of the Operations Office Manager.

(j) Upon issuance of the notice provided in paragraph (d) of this section, the Operations Office Manager may take any or all of the actions specified in 10 CFR 600.121(b). If the Operations Office Manager makes a final determination of failure to comply, the grantee will be ineligible to participate in the program under this part unless and until the Operations Office Manager is satisfied that there is no longer a failure to comply.

Appendix A—Standards for Weatherization Materials

The following Government standards are produced by the Consumer Products Safety Commission and are published in Title 16, Code of Federal Regulations.

Thermal Insulating Materials for Building Elements Including Walls, Floors, Ceilings, Attics and Roofs Insulation—organic fiber—conformance to Interim Safety Standard 16 CFR Part 1209

Fire Safety Requirements for Thermal Insulating Materials According to Insulation Use—Attic Floor—insulation materials intended for exposed use in attic floors shall be capable of meeting the same flammability requirements given for cellulose insulation in 16 CFR Part 1209

Enclosed spaces—insulation materials intended for use within enclosed stud or joist spaces shall be capable of meeting the smoldering combustion requirements in 16 CFR Part 1209

The following standards which are not otherwise set forth in Part 440 are incorporated by reference and made a part of Part 440. The following standards have been approved for incorporation by reference by the Director of the Federal Register. These materials are incorporated as they exist on February 27 and a notice of any change in these materials will be published in the Federal Register. The standards incorporated by reference are available for inspection at the Office of the Federal Register Information Center, Room 8301, 1100 L Street, NW., Washington, D.C. 20408.

Materials incorporated by reference are also available from the following sources:

American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103
FS—Federal Specifications, General Services Administration, Specifications Section, Room 6039, 7th and D Streets, SW., Washington, D.C. 20407

American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018
Architectural Aluminum Manufacturers Association, 35 East Wacker Drive, Chicago, Ill. 60601

National Woodwork Manufacturers

Association, 205 West Touhy Ave., Park Ridge, Ill. 60068

Fir and Hemlock Door Association, Yeon Building, Portland, Oregon 97204

Steel Door Institute, 712 Lakewood Center North, 14600 Detroit Ave., Cleveland, Ohio 44107

Steel Window Institute, 1230 Keith Building, Cleveland, Ohio 44115

National Electrical Manufacturers Association, 2101 L St., NW., Washington, D.C. 20037

American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017

American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209

National Fire Protection Association, Batterymarch Park, Quincy, Mass. 02269
Air-Conditioning and Refrigeration Institute, 1501 Wilson Blvd., Arlington, Va. 22209

Sheet Metal and Air Conditioning Contractor's Association, 8224 Old Courthouse Road, Vienna, Va. 22180

Environmental Protection Agency, 401 M Street, NW., Washington, D.C. 20460

American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc., 2029 K Street, NW., Washington, D.C. 20006

Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, Ill. 60062

Office of Weatherization Assistance Program, Conservation and Renewable Energy, Department of Energy, Mail Stop 5G-023, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585

Thermal Insulating Materials for Building Elements Including Walls, Floors, Ceilings, Attics, and Roofs

	Standards		
Insulation—mineral fiber:			
Blanket.....	Conformance to ASTM C665-78.		
Roof insulation.....	Conformance to ASTM C726-81.		
Loose-fill.....	Conformance to ASTM C764-73 (1979)		
Insulation—mineral cellular:			
Vermiculite loose-fill.....	Conformance to ASTM C516-80.		
Perlite loose-fill.....	Conformance to ASTM C549-81.		
Cellular glass block.....	Conformance to ASTM C552-79		
Perlite board.....	Conformance to ASTM C728-82.		
Insulation—organic fiber:			
Cellulosic fiber board.....	Conformance to ASTM C208-82.		
Cellulose loose-fill.....	Conformance to Interim Safety Standard 16 CFR Part 1209.		
Insulation—organic cellular:			
Preformed block-type polystyrene.....	Conformance to ASTM C578-83.		
Rigid preformed urethane board.....	Conformance to ASTM C591-69.		
Polyurethane or polyisocyanurate board faced with aluminum foil.....	Conformance to F.S. ³ HH-1-1972/1.		
Polyurethane or polyisocyanurate board faced with felts.....	Conformance to F.S. HH-1-1972/2.		
Insulation—composite boards:			
Mineral fiber and rigid cellular polyurethane composite board.....	Conformance to ASTM C726-81.		
Perlite and rigid cellular polyurethane composite board.....	Conformance to ASTM C984-83.		

	Standards
Gypsum board and polyurethane or polyisocyanurate composite board.	Conformance to F.S. HH-1-1972/4.
Materials used as a patch to reduce infiltration through the building envelope.	Commercial availability.

¹ ASTM indicates American Society for Testing and Materials.

² CFR indicates Code of Federal Regulations.

³ F.S. indicates Federal Specification.

Thermal Insulating Materials for Pipes, Ducts, and Equipment Such as Boilers and Furnaces

	Standards		
Insulation—mineral fiber:			
Preformed pipe.....	Conformance to ASTM C547-77.		
Blanket and felt (industrial type).....	Conformance to ASTM C553-70 (1977)		
Blanket insulation and blanket type pipe insulation (metal-mesh covered) (industrial type).....	Conformance to ASTM C592-80.		
Block and board.....	Conformance to ASTM C612-77.		
Spray-applied fibrous for elevated temperature.....	Conformance to ASTM C720-72 (1979).		
High temperature fiber blanket.....	Conformance to ASTM C892-78.		
Duct work.....	Conformance to ASTM C971-82.		
Insulation—mineral cellular:			
Diatomaceous earth block and pipe.....	Conformance to ASTM C517-71 (1979).		
Calcium silicate block and pipe.....	Conformance to ASTM C533-80.		
Cellular glass block and pipe.....	Conformance to ASTM C552-79.		
Expanded perlite block and pipe.....	Conformance to ASTM C610-67 (1974).		
Insulation—organic cellular:			
Preformed flexible elastomeric cellular in sheet and tubular form.....	Conformance to ASTM C534-77.		
Rigid preformed cellular urethane.....	Conformance to ASTM C591-69.		
Insulation—skirting.....	Commercially available.		

¹ ASTM indicates American Society for Testing and Materials.

FIRE SAFETY REQUIREMENTS FOR THERMAL INSULATING MATERIALS ACCORDING TO INSULATION USE

	Standards
Attic floor.....	Insulation materials intended for exposed use in attic floors shall be capable of meeting the same flammability requirements given for cellulose insulation in 16 CFR Part 1209.
Enclosed spaces.....	Insulation materials intended for use within enclosed stud or joist spaces shall be capable of meeting the smoldering combustion requirements in 16 CFR Part 1209.
Exposed interior walls and ceilings.....	Insulation materials, including those with combustible facings, which remain exposed and serve as wall or ceiling interior finish shall have a flame spread classification not to exceed 150 (per ASTM E84).
Exterior envelope walls and roofs.....	Exterior envelope walls and roofs containing thermal insulations shall meet applicable building code requirements for the complete wall or roof assembly.

FIRE SAFETY REQUIREMENTS FOR THERMAL INSULATING MATERIALS ACCORDING TO INSULATION USE—Continued

	Standards
Pipes, ducts, and equipment....	Insulation materials intended for use on pipes, ducts, and equipment shall be capable of meeting a flame spread classification not to exceed 150 (per ASTM E84).

¹ CFR indicates Code of Federal Regulations.² ASTM indicates American Society for Testing and Materials.

STORM WINDOWS

	Standards
Storm Windows:	
Aluminum Combination Unit.....	Conformance to ANSI/AAMA 1002.10-83.
Aluminum Frame.....	Conformance to Sections 1.2, 1.3, 1.4, and 1.6 of ANSI/AAMA 1002.10-83.
Wood Frame.....	Conformance to Section 3 of ANSI/NWMA 1.5. 2-80.
Rigid Vinyl Frame.....	Conformance to Sections 6.1 through 6.7, 6.12, and 6.13 of ASTM D 4099-82.
Frameless Plastic Glazing....	Required minimum thickness, 6 mil (0.006 inches).
Movable Insulation Systems for windows.	Commercial Availability.

¹ ANSI/AAMA indicates American National Standards Institute/Architectural Aluminum Manufacturers Association.² ANSI/NWMA indicates American National Standards Institute/National Woodwork Manufacturers Association.³ ASTM indicates American Society for Testing and Materials.

STORM DOORS

	Standards
Storm Doors:	
Aluminum:	
—Frame.....	Conformance to ANSI/AAMA 1102.7-1977.
—Sliding.....	Conformance to ANSI/AAMA 1002.10-83.
Wood:	
—Pine.....	Conformance to Section 3 of ANSI/NWMA 1.5. 5-83.
—Fir, Hemlock, Spruce.....	Conformance to Section 3 of FHDA 2/7-79.
Rigid Vinyl.....	Conformance to ASTM D 3678-81.
Vestibule:	
Materials to construct vestibules.	Commercially available.

¹ ANSI/AAMA indicates American Standards Institute/Architectural Aluminum Manufacturers Association.² ANSI/NWMA indicates American National Standards Institute/National Woodwork Manufacturers Association.³ FHDA indicates Fir and Hemlock Door Associations.⁴ ASTM indicates American Society for Testing and Materials.

REPLACEMENT WINDOWS

	Standards
Replacement Windows:	
Aluminum frame.....	Conformance to ANSI/AAMA 1302.9-1977.
Steel frame.....	Conformance to Steel Window Institute Recommended Specifications for steel windows 1983.
Wood frame.....	Conformance to ANSI/NWMA 1.5. 2-80.
Rigid vinyl frame.....	Conformance to ASTM D 4099-82.

¹ ANSI/AAMA indicates American National Standards Institute/Architectural Aluminum Manufacturers Association.² ANSI/NWMA indicates American National Standards Institute/National Woodwork Manufacturers Association.³ ASTM indicates American Society for Testing and Materials.

REPLACEMENT DOORS

	Standards
Replacement Doors:	
Hinged Doors:	
—Steel.....	Conformance to SDI 100-83.
—Wood.....	
Flush.....	Conformance to exterior door provisions of ANSI/NWMA 1-80 Series.
Pine.....	Conformance to ANSI/NWMA 1.5. 5-83.
Fir, hemlock, spruce.....	Conformance to FHDA 2/7-79.
Sliding Patio Doors:	
—Aluminum.....	Conformance to ANSI/AAMA 402.9-1977.
—Wood.....	Conformance to ANSI/NWMA 1.5. 3-70.

¹ SDI indicates Steel Door Institute.² ANSI/NWMA indicates American National Standards Institute/National Woodwork Manufacturers Association.³ FHDA indicates Fir and Hemlock Door Association.⁴ If multiple glazing is used, sealed insulating glass units are preferred and should conform to ASTM E 774-81, "Standard Specifications for Sealed Insulating Glass Units."

CAULKS AND SEALANTS

	Standards
Caulks and Sealants:	
Putty.....	Conformance to F.S. 1 TT-P-00791B.
Glazing Compound.....	Conformance to ASTM C669-75 (1981).
Oil and Resin Base.....	Conformance to ASTM C570-72 (1978).
Acrylic (Solvent Type).....	Conformance to F.S. TT-S-00230C.
Butyl Rubber.....	Conformance to F.S. TT-S-001657.
Chlorosulfonated Polyethylene.....	Conformance to F.S. TT-S-00230C.
Latex Sealing Compounds....	Conformance to ASTM C834-76 (1981).
Elastomeric Joint Sealants (normally considered to include polysulfide, polyurethane, and silicone).	Conformance to ASTM C920-79.
Preformed Gasket and Sealing Materials.	Conformance to ASTM C509-79.

¹ F.S. indicates Federal Specification.² ASTM indicates American Society for Testing and Materials.

WEATHERSTRIPPING

	Standards
Weatherstripping.....	Commercial availability.

VAPOR BARRIERS

	Standards
Vapor Barrier.....	Selected according to the provisions cited in ASTM C755-73 (1979); permeance not greater than 1 perm when determined according to the desiccant method described in ASTM E96-80.
Items to improve Attic ventilation.	Commercially available.

¹ ASTM indicates American Society for Testing and Materials.

CLOCK THERMOSTATS

	Standards
Clock Thermostats.....	Conformance to NEMA 1 DC 3-1978 or NEMA DC 15-1979 and performance test requirements. ²

¹ NEMA indicates National Electrical Manufacturers Association.² The performance tests requirements are: (1) the operating differential should not exceed 2°F, and (2) the effective operating droops should not exceed 4°F when determined according to the applicable procedures in DC 3-1978 or DC 15-1979.

HEAT EXCHANGERS

	Standards
Heat Exchangers.....	ASME 1 Pressure Code provisions, as applicable to pressure levels. Standards of Tubular Exchanger Manufacturers Association (last edition with 1983 Addenda, TEMA).
With Gas Fired Appliances*....	AGA 2 Requirement 70-1 for Gas Fueled Equipment. ANSI Z-21. AGA Laboratories Certification Seal.

¹ The heat reclaim is for installation in a section of the vent connector from appliances equipped with draft hoods or appliances equipped with powered burners or induced draft and not equipped with a draft hood.² ASME indicates American Society of Mechanical Engineers.³ AGA indicates American Gas Association.

HOT WATER HEAT PUMPS

	Standards
Heat Pump Water Heaters.....	Listed by Underwriters Laboratories (UL) Standard for Electric Water Heaters Under Development Efficiency Certification per Gas Appliance Manufacturers Association (GAMA) or Air Conditioning and Refrigeration Institute (ARI).

THERMOSTAT CONTROL SYSTEMS

	Standards
Automatic Set Back Thermostats.	Listed by Underwriters Laboratories (U.L.). Conformance to NEMA DC 15-1979.
Line Voltage or Low Voltage Room Thermostats.	NEMA DC 3-1978.
Automatic Gas Ignition Systems.	Conformance to ANSI Z21.21. AGA Laboratories Certification Seal.
Energy Management Systems.	Listed by Underwriters Laboratories (U.L.). Commercial Availability.
Hydronic Boiler Control.....	Commercial Availability.
Microcomputer Burner Control.	Commercial Availability.

WATER HEATER MODIFICATIONS

	Standards
Insulate Tank and Distributing Piping.	(See Insulation Standards).
Install Heat Traps on Inlet and Outlet Piping.	Applicable local plumbing code.
Hot Water Pipe Heater Strips....	Listed by Underwriters Laboratories (U.L.).
Reduce Thermostat Settings....	State or Local Recommendations.

WATER HEATER MODIFICATIONS—Continued

	Standards
Install Stack, Damper, Gas Fueled.	ANSI Z21.68-1978. ANSI Z21.67, including Addendas A and B. ANSI Z223.1-1980.
Install Stack, Damper, Oil Fueled.	UL-17 NFPA ¹ 31-1983.
Water flow modifiers	Commercially available.

¹ NFPA indicates National Fire Protection Association.

WASTE HEAT RECOVERY DEVICES

	Standards
Desuperheater/Water Heaters.	Conformance to ARI ¹ 470-80. Conformance to ARI 1060-80.
Condensing Heat Exchangers.	Commercially available components and in new heating furnace systems to manufacturers specifications.
Condensing Heat Exchangers (Commercial, Multi-Story Building Institutional).	Commercially available with teflon lined tubes to manufacturer specifications.
Energy Recovery Equipment	Energy recovery equipment and systems Air-to-Air (1978) Sheet Metal and Air Conditioning Contractor's National Association (SMACNA).

¹ ARI indicates Air-Conditioning and Refrigeration Institute.BOILER REPAIR AND MODIFICATIONS/
EFFICIENCY IMPROVEMENTS

	Standards
Installation of Gas Conversion Power Burners (for Gas or Oil Fired Systems).	In conformance with, or latest, ANSI Z21.8a, ANSI Z21.17 and Installation ANSI Z223.1-1980. AGA Laboratories Certification Seal.
Replacement Oil Burner	ANSI Z96.2 (UL 296). ANSI Z91.2. NFPA 31-1983.
Power Burners (Oil/Gas)	Conformance to ANSI Z223.1, National Fuel Gas Code; ANSI Z83.1 Gas Installations; NFPA 31 Oil Equipment.
Furnaces, Oil	Installation of oil burning equipment, NFPA 31-1976.

BOILER REPAIR AND MODIFICATIONS/
EFFICIENCY IMPROVEMENTS—Continued

	Standards
Furnaces, Gas	Gas fired central furnaces, ANSI Z21.47-1978. ANSI/ASME CSD.1-1982, applicable section of ANSI Z223.1-1980 and NFPA 31-1983.
Re-Adjustment Boiler Water Temperature or Installation of Automatic Boiler Temperature Reset Control.	Boiler and pressure vessel code (eleven sections) ASME 1980 or latest Testing and Ratings Hydronics Institute (HYDI).
Boilers	Per manufacturer's instructions.
Clean Heat Exchangers, Adjust Burner Air Shutter(s), Check Smoke No. on Oil Fueled Equipment. Check Operation of Pump(s) and Replace Filters.	
Combustion Chambers	Refractory linings may be required for conversions.
Heat Exchangers, Tubes	Protection from flame contact with conversion burners by refractory shield.
Thermostatic Radiator Valves	Commercially available. One pipe steam systems require steam air vents on each radiator, see manufacturer requirements.
Boiler Duty Cycle Control System.	Commercially available. National Electrical Code (NEC) and local electrical codes provisions for wiring.

HEATING AND COOLING SYSTEM REPAIRS AND
TUNE-UPS/EFFICIENCY IMPROVEMENTS

	Standards
Duct Insulation	Conformance to FS HH-1-558B (See Insulation Sections).
Reduced Input of Burner, Degrating Gas Fueled ¹ .	In Conformance with Local Utility Company Procedures if applicable for gas fueled furnaces and Appendix H of NFPA 54 ANSI Z223.1.
Oil-Fired	Conformance to NFPA 31-1983, Standard for the Installation of Oil Burning Equipment.
Replacement Combustion Chamber, in Oil-Fired Furnace, Boiler.	Conformance to NFPA 31-1983.

HEATING AND COOLING SYSTEM REPAIRS AND
TUNE-UPS/EFFICIENCY IMPROVEMENTS—Continued

	Standards
Clean Heat Exchanger and Adjust. Burner: Adjust air shutter and check CO ₂ and stack temperature—clean or replace air filter on forced air furnace.	See ANSI Z223.1, Appendix H.
Gas Fueled Heating Systems, Vent Dampers.	Conformance with applicable sections, National Fuel Gas Code including Appendices H, I, J and K. ANSI Z21.66-1977 and addenda A and B for Electrically Operated Dampers. ANSI Z21.68-1978 and Appendices A and B for Thermally Activated Vent Dampers.
Oil Fueled Systems, Vent Dampers.	Conformance with applicable sections of NFPA 31-1983 for installation and in conformance with UL 17.
Reduce Excess Dilution Air: (a) Reduction of Vent Connector Size of Gas Fueled Appliances. (b) Adjustments of Barometric Draft Regulator for Oil Fuels.	See Part 9 of ANSI Z223.1-1980 and Appendix G and H. NFPA 31-1980 for Air Fueled and per manufacturers' (furnace or burner) instructions.
Replacement of constant burning pilot with electric ignition device on gas fueled furnaces or boilers.	ANSI Z21.71-1981.
Readjustment of Fan Switch on Forced Air Gas or Oil Fueled Furnaces ² .	In conformance with applicable sections; ANSI Z223.1-1980. Appendix H for Gas Furnaces and NFPA 31-1983 for Oil Furnaces.
Burners—See power burners, gas oil:	
Duct Furnaces (Gas)	ANSI Z223.1-1980, National Fuel Gas Code.
Heat Pumps	Listed by Underwriters Laboratories (U.L.).
Air Diffusing Equipment	Commercially Available.
Outlets, Inlets, Air Flow	Do.
Warm Air Heating Metal Ducts.	Do.
Air Ducts and Connectors	Factory made air ducts and connectors (1981), UL 181.

¹ This may be prohibited by local jurisdiction—it may also void the manufacturers warranty. The National Fuel Gas Code does not specifically endorse this.² Applies also to forced air systems category.

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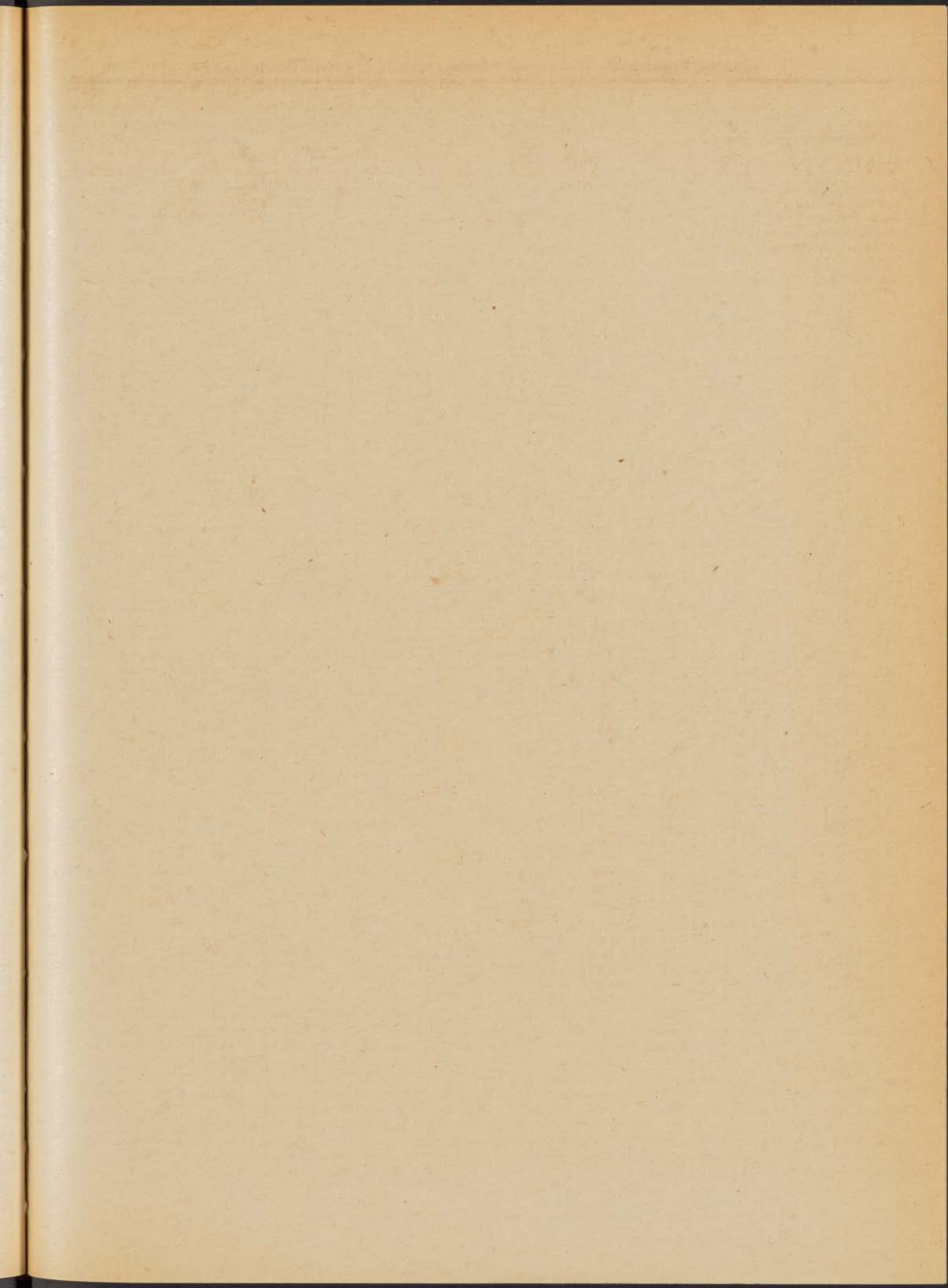
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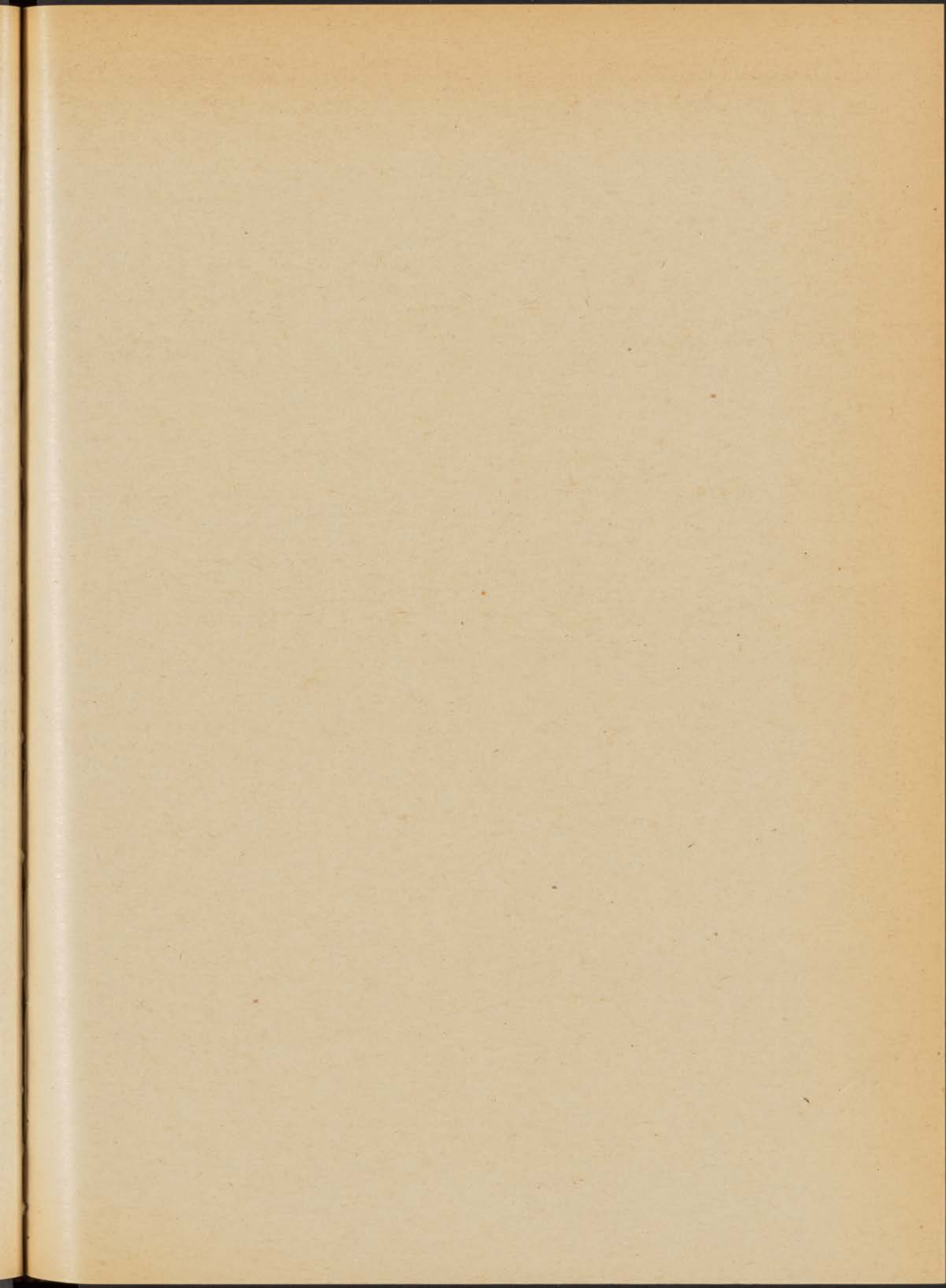
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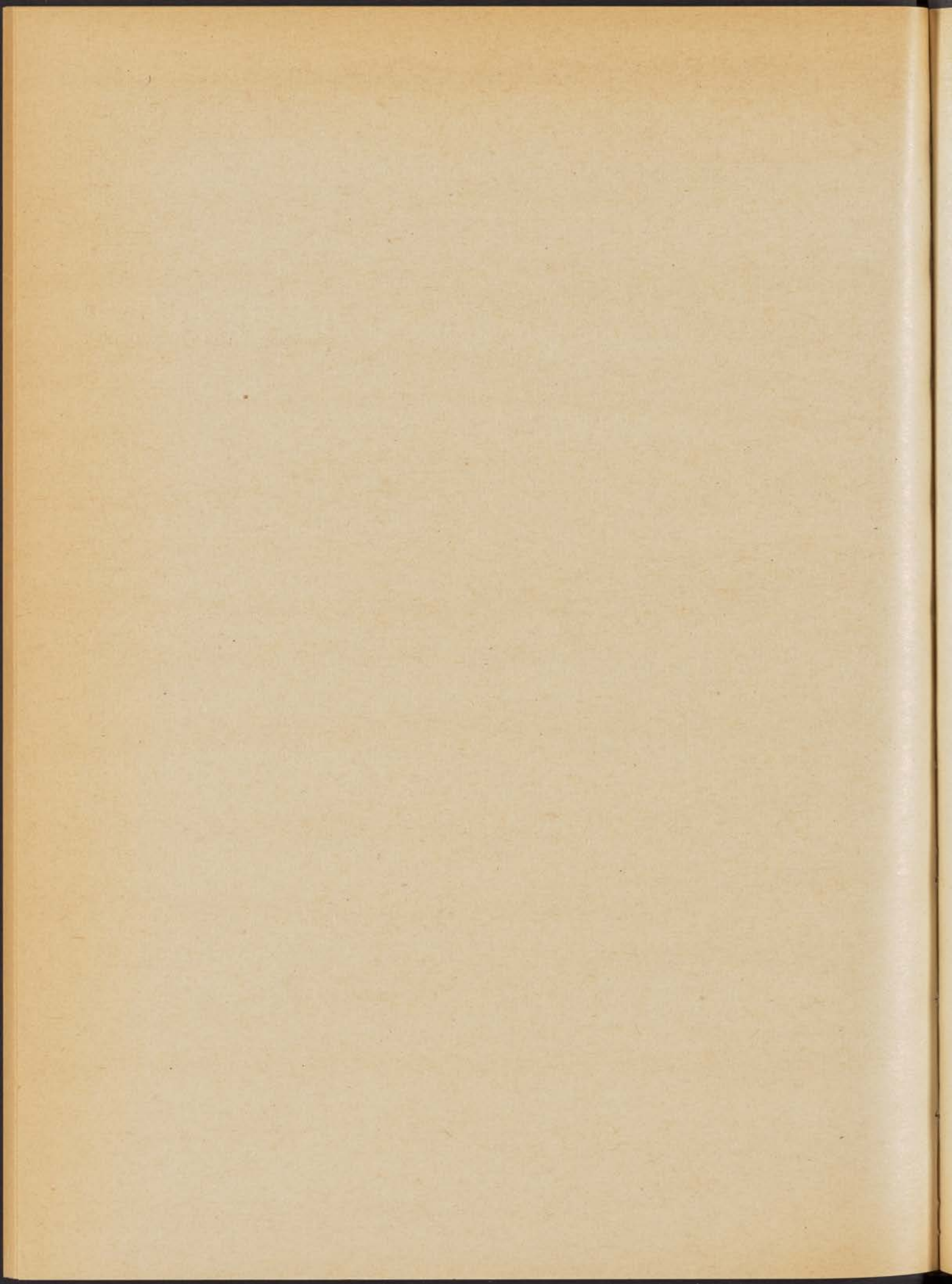
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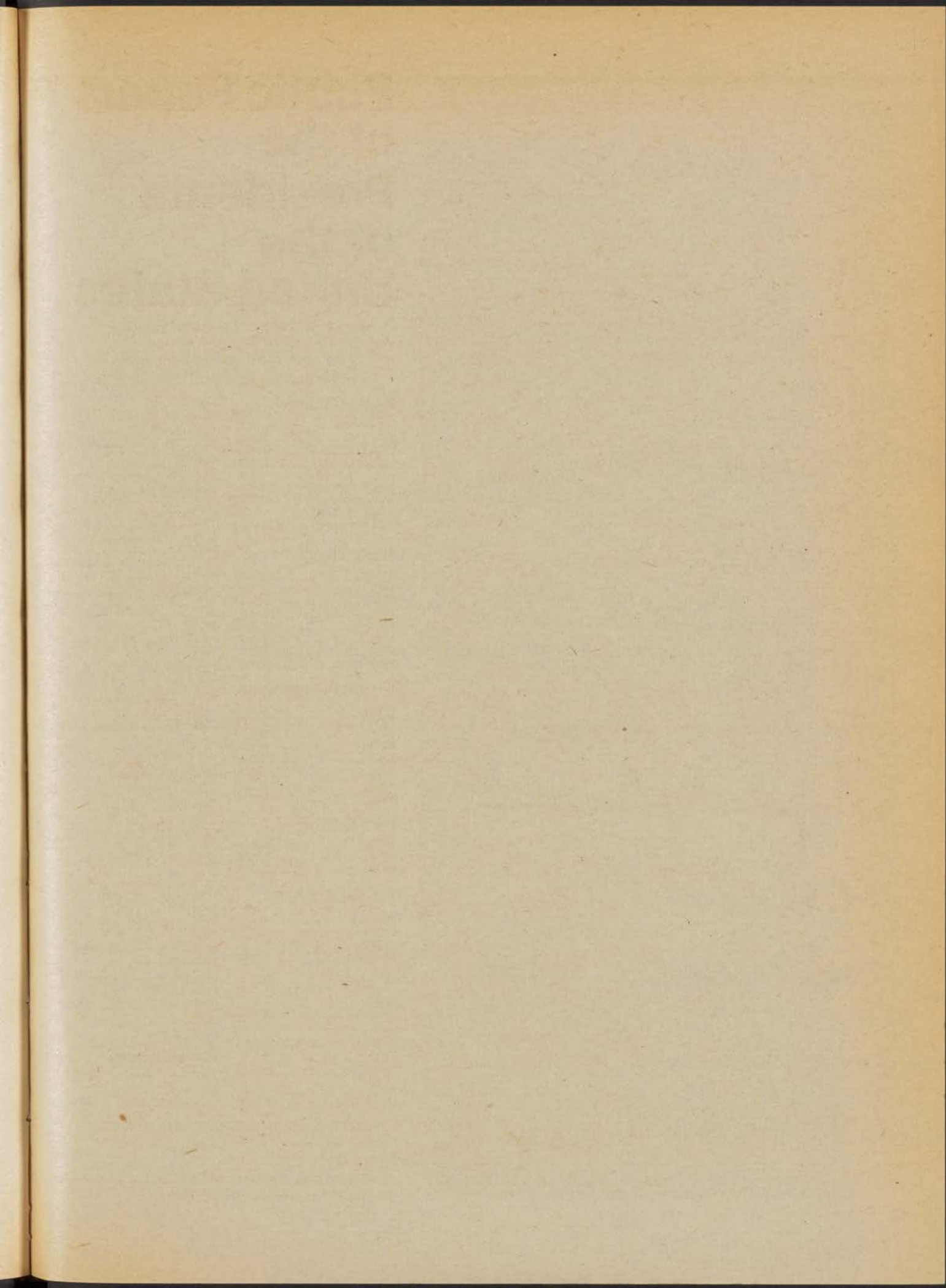
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